

PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL  
OF THE  
UNITED PROVINCES

*OFFICIAL REPORT*

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VOLUME XXIII

FROM 13TH TO 21ST MARCH, 1925.



ALLAHABAD

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LEGISLATIVE COUNCIL.  
UNITED PROVINCES OF AGRA AND OUDH.

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*Friday, 13th March, 1925.*

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The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT :

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bahi.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. W. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. H. C. Desanges.  
Mr. H. David.  
Babu Khem Chand.  
Babu Mohan Lal Saksena.  
Babu Jai Narayan Chaudhri.  
Thakur Manjit Singh Rathor.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Rai Bahadur Pandit Kharagjit Misra.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Thakur Sadho Singh

Pandit Brijnandan Prasad Misra.  
Thakur Har Prasad Singh.  
Pandit Sri Krishan Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhyaya.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal  
Babu Ram Chandra Sinha.  
Dr. Jaikaran Nath Misra.  
Babu Sita Ram.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Na'im Ansari  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Khan Bahadur Chaudhri Amir Hasan  
Khan  
Hafiz Hidayat Husain.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Raja Sa'yid Ahmad Ali Khan Alvi.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf.  
Mr. St. George H. S. Jackson.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Rai Bahadur Babu Vikramajit Singh.  
Dr. Ganesh Prasad.

## QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

#### ALLEGATIONS AGAINST SUB-INSPECTOR, JASPUR.

**\* 2. Pandit Govind Ballabh Pant :** (a) Were certain allegations of bribery and extortion made against the then officer in charge of the police station Jaspur, brought to the notice of the Superintendent, Kumaun division, in April and May last?

(b) Did the sub-divisional magistrate convict the sub-inspector in respect of one of the charges and did he commit him to the court of session in respect of another? Did the Sessions Judge acquit the sub-inspector in both?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (a) Yes.

(b) The answer to both parts is in the affirmative.

**\* 3. Pandit Govind Ballabh Pant :** Does the Government propose to appeal against the orders of the Sessions Judge?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No.

**\* 4. Pandit Govind Ballabh Pant :** (a) Were any communications sent by the Superintendent of Police to the higher authorities in respect of the charges against the sub-inspector when the cases were under investigation or trial?

(b) Will the Government be pleased to lay them on the table?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (a) No.

(b) Does not arise.

**Mr. Mukandi Lal :** Does the Government propose to take any departmental action?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No.

#### FINES FOR POLITICAL OFFENCES.

**\* 5. Pandit Jhanni Lal Pande :** Will the Government be pleased to state the total amount of fines levied on persons convicted for political offences in the years 1921, 1922, 1923 and 1924 :—

(a) how much out of it has actually been realized ;

(b) how much has been remitted ;

(c) what amount is still left to be realized.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The total amount of fines levied in these years for offences connected with political agitation is believed to be about Rs. 2,600. Of this sum, about Rs. 878 has been realized, about Rs. 521 has been remitted, and the balance is outstanding.

#### SPECIAL POLICE FORCE.

**\* 6. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the amount spent on Mr. Young's special police force since its creation?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** From November, 1922 to March 31st, 1924, the cost was Rs. 81,784. The cost for 1924 is not yet known.

\* 7. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to give information relating to following in tabulated form :—

Districts.	Number of persons arrested by Mr. Young's force.	Number of Bhandus captured.	Number of non-Bhandus captured.	Number of persons tried by special magistrate.	Number of persons convicted by special magistrate	
1. Bijnor ..						
2. Moradabad ..						
3. Naini Tal ..						

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The honourable member is referred to the report on the working of the special dacoity police for 1924, circulated to all members of the Council.

\* 8. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to inform the Council whether any persons were kept in jail and not brought for trial before the special magistrate? If so, how many?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** All persons arrested have been produced before the special Magistrate.

\* 9. **Dr. Shafa'at Ahmad Khan :** Is it a fact that some persons are still kept in jail and no charge has yet been brought against them?

If so, will the Government be pleased to give the names of such persons and state the districts they belong to?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The answer to the first part of the question is in the negative. The second part does not arise.

\* 10. **Dr. Shafa'at Ahmad Khan :** Has the special police force organized by Mr. Young been disbanded yet?

If not, will the Government be pleased to state the reason?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The force has not been disbanded yet. It is still needed for dacoity work.

#### SPECIAL DACOITY FORCE.

\* 11. **Dr. Shafa'at Ahmad Khan :** Have the Government established a special branch police termed "the dacoity branch" in these provinces?

If so, will the Government be pleased to inform the Council regarding the establishment of such a branch and the amount allotted for it?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The Government has formed a temporary force designated the special dacoity police. It was created with the consent of the Council, which voted Rs. 2,17,563 in April, 1924, for its cost in 1924-25.

\* 12. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state if it is a fact that a number of persons were arrested by the police in connection with Mr. Young's attack on Sultana and his gang of Bhandus on mere suspicion?

(2) Is it a fact that they were kept in prison for a long time?

(3) Is it a fact that no definite charge was brought against them for a long time?

(4) Is it true that a number of persons are still detained on mere suspicion, and that no charge has yet been brought against them?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (1) No.

(2), (3) and (4) Do not arise.

\* 13. **Dr. Shafa'at Ahmad Khan :** (1) What supervision, if any, did the Government exercise over the work of the special magistrate or judge, who was deputed to try persons who were involved in, or mixed up with the gang of Bhandus?

(2) Does a record of all such cases exist? Will the Government be pleased to state the number of (a) Bhandus, (b) non-Bhandus who were tried by the special magistrate, at various places? Will the Government be pleased to state at how many places they were tried?

(3) How many were acquitted? What punishment was inflicted on them?

(4) Will the Government be pleased to state if any complaints have been brought against the way in which some of the persons were dealt with?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (1) The special magistrate works under the supervision of the Commissioner of Kumaun and in communication with the district magistrates of any districts in which his work may lie. As a magistrate, he is under the usual judicial control.

(2) and (3) A statement is laid on the table.

(4) No complaints have been received.



*Statement referred to in the answer to parts (2) and (3) of starred question No. 13 of the 13th March, 1925.*

Number of Bhan- tus tried by the special magistrate.	Number of non- Bhan- tus tried by the special magistrate.	Total number of columns 1 and 2.	Number of persons convicted.	Number of persons acquitted.	Number of places where tried.	Number showing the persons convicted.	What punishment inflicted.
1	2	3	4	5	6	7	8
24	163	187	180	2	4	10	Hanged.
103 Bhan- tus are pend- ing trial and are shortly to be com- mitted to the ses- sions court.	25 non-Bhan- tus are pending trial and are shortly to be com- mitted to the sessions court.			Died .. 1 Pending in sessions court 4 Total .. 187	(1) Haldwani. (2) Kotdwara. (3) Bijnor. (4) Roorkee.	75 24 17 6 32 2	Transported. 10 years' rigorous im- prisonment. ditto. ditto. ditto. 18 months' rigorous imprisonment
24+103=127	25+163=188					3	One year's rigorous im- prisonment.
						5	Six months' rigorous imprisonment.
						4	Simple imprisonment till the rising of the court an Rs. 50 fine.
						1	Simple imprisonment till the rising of the court.
						1	Rs. 40 fine.
Grand total .. 315							

## ARREST OF BABU MUKAT BIHARI LAL OF GORAKHPUR.

\* 14. **Pandit Sri Krishna Dutt Paliwal :** (1) Is it a fact that Babu Mukat Bihari Lal of Gorakhpur has been arrested for selling a Hindi booklet entitled "*Bolshevism kya hai*" (What is Bolshevism) ?

(2) Was this booklet proscribed ? If so, when ?

(3) Did the Government take any action against the author, the printer and publisher of the booklet before prosecuting Babu Mukat Bihari Lal ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (1) Babu Mukat Bihari Lal called attention to himself by selling doubtful pamphlets, and was arrested because he was unable to give satisfactory particulars of himself.

(2) No.

(3) The Government have taken no action.

**Pandit Sri Krishna Dutt Paliwal :** Is the Government aware that at the time he was arrested he was editing a weekly paper called "Swadesh" ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The Government is not aware.

**Pandit Sir Krishna Dutt Paliwal :** Will the Government please inquire ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I do not think it is necessary.

## HOLIDAYS IN KUMAUN CIVIL COURTS.

\* 15. **Hafiz Hidayat Husain :** What is the number of holidays allowed in Kumaun civil courts during the Muslim festival *Bakr-i-Id*.

If no holidays are allowed, why not ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (1) One.

(2) Does not arise.

## DEPORTATION OF PANDIT NAND KISHORE FROM THE BHABAR ESTATE.

\* 19. **Babu Nemi Saran :** In connection with my unstarred question No. 16(a) of the 26th January, 1925, will the Government be pleased to say for what offence and of what nature were the previous warnings given ?

By whom were they so given, and if they were given in writing, will the Government be pleased to lay the copies on the table ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** There had been numerous complaints against Pandit Nand Kishore about his interference with women. Warnings were given by the Deputy Commissioner (through the sub-inspector of police) and by the Kham Superintendent. The warnings were given verbally.

**Babu Nemi Saran :** Were those complaints in writing or made orally ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I do not know.

**Babu Nemi Saran :** Was any action taken according to law ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The answer to this is in the next question.

\* 20. **Babu Nemi Saran** : In connection with unstarred question No. 16 (f) and (g) will the Government be pleased to say under what law was the executive authorized to issue the order in question ?

Will the Government be pleased to give the particulars of the individual and the prosecution to avoid which he absconded ?

Why were no proceedings taken against him under section 110 (d) when he was present in the estate ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : The order was given under the executive powers of the officer in charge of the Government estates.

The following criminal cases were filed against Pandit Nand Kishore. It is not known on account of which of them he absconded :—

- (1) *Myalo and Rishmo versus Nand Kishore*, under section 323, Indian Penal Code.
- (2) *Karim versus Nand Kishore*. (An application for an order of maintenance for Karim's daughter alleged to have been seduced by Nand Kishore.)
- (3) *Rudri versus Nand Kishore*, under section 493, Indian Penal Code, for the abduction of Rudri's wife.
- (4) *Musammam Sauro versus Nand Kishore*, under section 426, Indian Penal Code.

A report was also made at the thana against him for molesting a woman in the jungle.

There are also civil cases pending against him in the court of the sub-divisional officer, Lansdowne.

The decision to take proceedings against him under section 110 (d), Criminal Procedure Code, was not taken until after he had absconded.

**Babu Nemi Saran** : Will the Government kindly enlighten what those executive powers are under which the officer acted ? Were those executive powers under which the Kham Superintendent acted defined ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : The officer in charge of law and order is entitled to give anybody any warning which he deems fit.

**Babu Nemi Saran** : May I know why the externment order was issued when the prosecution of these cases was pending ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : He was a nuisance.

KARTIKI GANGES FAIR, DARANAGAR, BIJNOR.

\* 21. **Maulvi Zahur-ud-din** : Will the Government be pleased to say if it is a fact that the wife of Babu Vishwa Mitra, B.A., LL.B., Vakil, High Court, Bijnor, with two other ladies was arrested by the police at about 10 in the night in the Congress camp in the Ganga Fair at Bijnor on the 8th November, 1924, and tried and convicted under section 32 of the Police Act at 12 in the night the same day ?

**The Hon'ble Mr. S. P. O'Donnell** : The answer is in the affirmative except that the ladies were not arrested.

**Babu Nemi Saran:** May I request the Government to inquire further whether the ladies were arrested or not? I think that after the discussion that took place on this subject it is incumbent on the Government to make this inquiry.

**The Hon'ble Mr. S. P. O'Donnell:** An inquiry was made and I have reported the information given to me.

**\* 22. Maulvi Zahur-ud-din:** If so, will the Government be pleased to give the details of the offence for which they were convicted?

**The Hon'ble Mr. S. P. O'Donnell:** The offence of which they were convicted was that they refused to comply with police orders, that they must not enter the *mela* ground unless they paid the toll demanded.

**\* 23. Maulvi Zahur-ud-din:** If the facts are not as stated in the preceding question, will the Government be pleased to give details of the actual facts of the affair?

**The Hon'ble Mr. S. P. O'Donnell:** This question arises only in regard to the suggestion made in question No. 21, that the ladies were arrested. They were not arrested. They were asked to accompany the police to the magistrate and did so.

**\* 24. Maulvi Zahur-ud-din:** Is it a fact that Lala Fateh Chand, secretary, *mela* committee, went with a police force on the night of the 8th November, 1924, to the Congress camp in the Daranagar Ganges Fair, Bijnor, where Babu Nemi Saran, M.L.C., was put up and asked him and two other gentlemen, Mr. Vishwa Mitra, B.A., LL.B., and Pandit Mahabir Tyagi, to vacate the *mela* immediately and on their refusal he asked the police officer to turn them out from the *mela* grounds?

**The Hon'ble Mr. S. P. O'Donnell:** The answer is in the affirmative except that the expression "police force" is an exaggeration. Lala Fateh Chand was accompanied by the kotwal.

**\* 25. Maulvi Zahur-ud-din:** (a) If so, will the Government be pleased to say by what authority and under what law did the secretary so act?

(b) Was the order served on Mr. Nemi Saran a written or oral one?

**The Hon'ble Mr. S. P. O'Donnell:** (a) Lala Fateh Chand acted under instructions given by the Deputy Magistrate who had been appointed by the District Magistrate as officer in charge of the fair. The honourable member is already acquainted with the view taken by the Government of the legal position. It is that the officer in charge of the fair was legally entitled to remove from it all persons entering without paying the toll due from them.

(b) The order was oral, but at the request of Babu Nemi Saran was subsequently reduced to writing.

**\* 26. Maulvi Zahur-ud-din:** Did the police carry out the orders of the secretary? If not, why not?

**The Hon'ble Mr. S. P. O'Donnell:** No, because the tolls due from these gentlemen were paid on their behalf.

\*27. **Maulvi Zahur-ud-din** : If the facts are not as mentioned in the question, will the Government be pleased to state the actual facts?

**The Hon'ble Mr. S. P. O'Donnell** : Does not arise.

\*28. **Maulvi Zahur-ud-din** : Under what law did the District Magistrate levy toll and *tehbazari* in the *mela*?

**The Hon'ble Mr. S. P. O'Donnell** : The toll and *tehbazari* were not levied under any enactment.

\*29. **Maulvi Zahur-ud-din** : If under any custom is it authorized by any law and is it recorded in any paper?

\*30. If so, what are those papers and how old are they?

**The Hon'ble Mr. S. P. O'Donnell** : *Tehbazari* has been levied since 1887 and was mentioned in the annual reports of the old Act XX town of Ganj. The toll on vehicles and riding animals seems to have been levied in its present form since 1915 only, but the Gazetteer written in 1908 mentions that tolls were levied at this fair.

**Babu Nemi Saran** : Will the Government be pleased to state if township of Ganj had been abolished in 1923 or not?

**The Hon'ble Mr. S. P. O'Donnell** : There are now no Act XX towns. They are now town areas.

\*31. **Babu Nemi Saran** : (a) In which year was the toll fee in the Kartiki Ganges Fair of Daranagar in the Bijnor district first levied and realized?

(b) Was any such fee ever levied in the fair before the year 1914?

(c) With whose sanction and authority and under what law was this toll fee first levied and realized?

(d) By whose authority and under what law was it levied this year?

**The Hon'ble Mr. S. P. O'Donnell** : (a) The toll on vehicles and riding animals seems in its present form to have been levied first in 1915.

(b) A definite answer cannot be given as the records have been destroyed. But the Gazetteer of 1908 mentions that tolls were levied at this fair.

(c) Under the authority of the district magistrate of the time but not under cover of any specific enactment.

(d) Under the authority of the district magistrate who was instructed by the Government to make necessary arrangements for the fair in consultation with the district board following so far as possible the lines on which the fair was managed prior to 1923.

\*32. **Babu Nemi Saran** : (a) Is it a fact that Shrimati Gyanwati Devi—wife of Lala Vishwa Mitra, B.A., LL.B., Vakil, High Court—with three other ladies was arrested by the police at about 10 in the night while they were resting in their camps and taken to the Kotwali camp under police escort where they were detained in a *hawalat* tent guarded by the police and were tried and convicted at about 1 a.m. in the night of the 9th November, 1924, at the Daranagar Ganges Fair?

(b) If so, will the Government be pleased to give the full details of their arrest and the offence for which they were so arrested and convicted at such an unusual hour in the night?

(c) If the answer to (a) be in the negative, will the Government be pleased to give the true version of the occurrence?

**The Hon'ble Mr. S. P. O'Donnell:** (a) No ladies were arrested. Three ladies, including the lady mentioned, were about 10 o'clock asked to accompany the police to the Magistrate in charge of the fair. They did so. On the way they were detained for a while at the temporary kotwali while the chalan papers were being prepared. They were tried and convicted at about midnight.

(b) and (c) The offence of which the ladies were convicted was that they refused to comply with police orders that they must not enter the *mela* ground unless they paid the toll demanded. The circumstances under which they were tried have been stated in the answer to part (a) of this question.

**Pandit Govind Ballabh Pant:** With reference to question No. 32, I would like to inquire from the Hon'ble the Finance Member whether it was open to these ladies not to accompany the police?

**The Hon'ble Mr. S. P. O'Donnell:** That raises a legal point. They were asked to do so and they did so, and so the question did not arise.

**Pandit Govind Ballabh Pant:** Suppose they were ordered?

**The Hon'ble the President:** That is entirely hypothetical.

**Pandit Govind Ballabh Pant:** I am not putting a hypothetical question. I am only putting a question as to the meaning of arrest.

**Babu Nemi Saran:** Will the Government kindly inquire whether the ladies did refuse to go unless they were arrested and whether the police did tell them they were arrested and that unless they gave in they would be taken under handcuffs?

**The Hon'ble Mr. S. P. O'Donnell:** Full inquiries were made about this matter and the facts are as stated by me.

**Babu Nemi Saran:** If these facts are wrong what can we do?

**The Hon'ble Mr. S. P. O'Donnell:** I do not admit that they are wrong.

**Babu Nemi Saran:** Will the Hon'ble the Finance Member kindly inquire further about this?

**The Hon'ble Mr. S. P. O'Donnell:** No, I am not prepared to inquire further about this.

\*33. **Babu Nemi Saran:** Will the Government be pleased to give a list of the ladies and gentlemen (1) arrested and (2) convicted in the matter of non-payment of toll fee in the fair with the particulars of the offence charged and the sentence passed in each case?

**The Hon'ble Mr. S. P. O'Donnell:** A list is laid on the table showing the persons convicted and the sentences passed on them. They were convicted under section 32 of the Police Act for opposing or disobeying the orders of the police. Numbers 9 and 10 of the list were arrested.

*List of persons prosecuted and convicted for non-payment of tolls in the Ganjès Fair at Daranagar in 1924.*

Serial No.	Names of persons convicted.	Offence charged.	Sentence passed.	Remarks.
1	M. Muhammad Zahur-ul-Haq, son of M Intizam-ud-din, Shaikh, of Bijnor.	Section 32 of the Police Act	Fined Rs. 200	
2	Dwarka Prasad, son of Hira Lal, Vishnoi, of Bijnor.	Ditto ..	Ditto.	
3	Lala Shyam Sunder Lal, son of Lala Thakur Dass of Haldaur.	Ditto ..	Ditto.	
4	Bihari Lal, son of Piarey Lal, goldsmith, of Haldaur.	Ditto ..	Ditto.	
5	Yagya Dutt, son of Fateh Chand, Brahman, of Nawada.	Ditto ..	Ditto.	
6	Ganga Dutt, son of Tulshi Ram, Brahman, of Bijnor	Ditto ..	Fined Rs 200 Rs. 200	} Convicted twice.
7	Lala Ratan Lal (adopted son) Jaini of Bijnor.	Ditto ..	Fined Rs 200.	
8	Soti Jagdish Dutt, son of Soti Shankar Lal, Brahman, of Bijnor.	Ditto ..	Fined Rs 10	
9	M. Abdul Latif, son of Maulvi Abdul Hai of Bijnor.	Ditto ..	Ditto.	
10	Musammât Satyawati, daughter of Jaimti Prasad, petition-writer, Brahman, Bijnor.	Ditto ..	Fined Rs. 5	
11	Musammât Vidya vati, wife of Dwarka Prasad, Vishnoi, of Bijnor.	Ditto .	Ditto.	
12	Musammât Gayanvati, wife of Babu Vishwa Mitra, Vakil, Bijnor.	Ditto ..	Ditto.	
13	Musammât Durgi Devi, mother of Babu Nemi Saran.	Ditto ..	Ditto.	
4	Musammât Shilyati, wife of Babu Nemi Saran.	Ditto ..	Ditto.	
15	Musammât Prakashvati, sister of Babu Nemi Saran.	Ditto ..	Ditto.	
16	Inder Saran, brother of Babu Nemi Saran	Ditto .	Ditto	

\*34. **Babu Nemi Saran :** (a) Will the Government be pleased to say if it is a fact that Lala Fateh Chand, secretary, *mela* committee, (1) served some gentlemen with written orders to vacate the *mela* grounds simply because they had not paid the toll fee while crossing the toll barrier of the *mela* and (2) also personally went to their camps with a police force to have these orders executed?

(b) With whose authority and under what law did he so act?

**The Hon'ble Mr. S. P. O'Donnell :** (a) (1) Yes.

(2) Yes. He was accompanied by the kotwal.

(b) The honourable member is referred to the answer given to a similar question put today by Maulvi Zahur-ud-din Sahib.

**\*35. Batu Nemi Saran :** (a) Is it a fact that the *mela* secretary demanded Rs. 25 and about thirty passes from the Cinema company of K. Bikram Singh of Haldaur as the market fee in the Ganges Fair this year?

(b) For whom were these passes demanded and who used them when they were received?

(c) With whose authority and sanction were they demanded?

**The Hon'ble Mr. S. P. O'Donnell :** (a) Yes.

(b) For the use of those responsible for the management of the fair no passes were furnished.

(c) The Government have no exact information but understand that the passes were demanded under the authority of the *mela* committee.

**Babu Nemi Saran :** With reference to question No. 35 may I know for whom were these passes demanded?

**The Hon'ble Mr. S. P. O'Donnell :** These passes were demanded for the use of the *mela* committee.

**Babu Nemi Saran :** But in the reply it says "for the use of those responsible for the management of the fair" no passes were furnished.

**The Hon'ble Mr. S. P. O'Donnell :** There ought to be a full stop after the words "for the use of those responsible for the management of the fair."

**\*36. Babu Nemi Saran :** (a) How much did the earnings from the toll and market fees amount to and what were the expenses incurred in the Ganges Fair this year?

(b) Who will pay the deficit?

**The Hon'ble Mr. S. P. O'Donnell :** (a) The income from toll and *tehbazari* amounted to Rs. 648.8.6 and the expenses to about Rs. 1,500.

(b) The point has not yet been decided.

**\*37. Babu Nemi Saran :** Is it a fact that the police officer who was deputed to realize the fines from Pandit Yagyadutta of Newada, district Bijnor (in connection with the *mela* cases), had the ornaments stripped off his wife and also attached every conceivable article of the household including the wearing apparel and bedding in order to realize that fine?

**The Hon'ble Mr. S. P. O'Donnell :** The facts are not as suggested. Movable property was attached including a pair of silver bangles which at the time were not being worn. No bedding or wearing apparel was attached. Pandit Gaya Datt had previously removed his clothes, ornaments and utensils. The property attached consisted mostly of the contents of the shop. The amount attached was not excessive relatively to the amount to be recovered, namely Rs. 200.

**\*38. Babu Nemi Saran :** Is it a fact that the District Magistrate, Bijnor, issued an order to the police that those persons who might refuse to pay the toll or *tehbazari* fees should be arrested on the spot and prosecuted under section 32 of the Police Act?



**The Hon'ble Mr. S. P. O'Donnell :** The instructions issued to the police by the District Magistrate were worded as follows :—

“ Under section 31, Police Act, it is the duty of the police to keep order at places of public resort, e.g., a *mela* ground.

The police should inform a person refusing to pay toll that he must return and not enter the *mela* ground. If he refuses to comply with the police order, he should be taken into custody and prosecuted at once before Pandit Bhola Dutt Pant under section 32, Police Act.

The same procedure should be adopted with any shopkeeper who refuses to pay *tehbazari*. The police should order him to leave the ground. If he refuses, he should be prosecuted under section 32, Police Act.”

#### REGISTRATION OF BIRTHS.

**\*39. Hafiz Hidayat Husain :** What facilities does the Government propose to offer for registration of births to non-Christian communities in town and rural areas ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Government do not propose to take any action in the absence of any public opinion.

#### EDUCATIONAL GRANT TO TOWN AREAS.

**\*41. Hafiz Hidayat Husain :** Has the Government received a representation from the inhabitants of town areas or their representatives proposing that an educational grant be allotted separately to them and that the management of the cattle pounds within the areas be transferred to them in order to give them an opportunity of managing their own institutions ?

If so, what has the Government decided ?

**The Hon'ble Rai Rajeshwar Bali :** The answer to the first part of the question is in the negative. The second part does not arise.

#### PRISONERS CONVICTED FOR INCENDIARISM IN KUMAUN.

**\*47. Pandit Hargovind Pant :** How many prisoners convicted of incendiarism in Kumaun in 1921-22 have been released in pursuance of the resolution adopted by this Council on the 30th January, 1924 ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Two were released in pursuance of the resolution referred and three others whose sentences were reduced in pursuance of that resolution have since been released.

**\*48. Pandit Hargovind Pant :** How many of such prisoners are still undergoing their sentences ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Four.

**\*49. Pandit Hargovind Pant :** Will the Government be pleased to give their names, the period of imprisonment they have undergone and the period they have still to undergo ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** A statement is given below showing the names of the prisoners, the sentences imposed and the date of conviction :—

## STATEMENT.

<i>Names.</i>	<i>Sentences.</i>	<i>Date of conviction.</i>
(1) Makund Ram ..	7 years	8th July, 1921.
(2) Rm Singh ..	7 "	8th July, 1921.
(3) Motia ..	7 "	15th August, 1921.
(4) Padia ..	5 "	15th November, 1921.

**\*50. Pandit Hargovind Pant:** Has the committee for long-term sentences looked into the cases of these prisoners detained in jail? If so, have they recommended their release?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Most of these cases have been considered by the Revising Board and the remainder will be considered shortly. Three prisoners have been released in accordance with the recommendations of the Revising Board.

**Pandit Hargovind Pant :** With regard to question No. 50, the latter part has not been answered. Has the committee recommended the release of the prisoners still in jail?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No.

**Pandit Govind Ballabh Pant :** How is it that these prisoners were not released, while others were?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I am not sure, but I think there are only two.

**Pandit Govind Ballabh Pant :** Are these also to wait for another Revising Board?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No. I shall consider their case.

**\*51. Pandit Hargovind Pant :** Does the Government contemplate their release now.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No.

## SALE OF GIRLS.

**\*54. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have decided to inquire into the cases of sale of Hindustani girls by people from the Punjab? Is it a fact that regular markets exist for traffic in women at Meerut, Saharanpur and other towns near the Punjab?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No; subject to the answer given to question No. 55. Traffic in women with the Punjab is reported to be prevalent in the Meerut division, specially in the Bulandshahr and Muzaffarnagar districts.

**\*55. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state what measures they have adopted with a view to the prevention of sale of minor girls for immoral purposes, since the passing of a resolution on this subject by this Council in September, 1924?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** A committee has been appointed to consider what steps are practicable by the stricter enforcement of the law and by securing the co-operation of the

people concerned to discourage the Naik custom in Kumaun of bringing up and disposing of girls for immoral purposes. The meeting of this committee has been postponed until April as it is desired to obtain the assistance of the Naik community and this will not be possible until then.

INDIAN STUDENTS IN EUROPEAN SCHOOL, JHANSI.

\*57. **Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that there is not a single Indian student in Jhansi European school (G. I. P. Railway school) ?

(2) Is it also a fact that several Indian students have been refused admission ? If so, how many ?

(3) Is it also a fact that the admission has been refused in writing on the ground that "it is undesirable to admit Indians in that school" ?

**The Hon'ble Mr. S. P. O'Donnell :** (1) Yes.

(2) No. There have been no applicants for admission.

(3) Does not arise.

RECRUITMENT FOR ASSAM TEA GARDENS.

\*59. **Babu Parsidh Narayan Anad :** Will the Government be pleased to state—

(a) (1) the number of coolies recruited for the Assam Tea Gardens in 1923 and 1924, respectively, from the (a) Allahabad, (b) Banda, (c) Benares and (d) Fatehpur districts ;

(2) the wages paid to adults and children (male and female) in the Assam Tea Estates ; and

(3) what is the cost of living in the plantations and how does it compare with the cost of living in the villages of these districts ?

(b) Whether the Government are aware of the reasons which induced a large number of people from these districts to emigrate ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :**

*Year ending June 30th.*

			1923.	1924.
(1) (a)	Allahabad	.. ..	118	146
	Banda ..	.. ..	4	30
	Benares ..	.. ..	7	38
	Fatehpur	.. ..	47	36

(2) The average working wage, excluding diet, rations, subsistence allowance and free housing, according to the annual report on emigration for 1923-24, is given below :—

	Men.	Women.	Children.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Assam Valley division .. ..	11 5 1	9 8 9	5 4 9
Surma Valley and Hill division	8 12 10	6 15 5	4 11 4

(3) Government have no information.

(b) The number of emigrants is not large. The reason for emigration is presumably that conditions of labour in Assam are more attractive than local conditions.

**Babu Nemi Saran :** I presume these figures are permanent ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Yes.

## ACCOUNT OF SEED STORES.

\*60. **Babu Parsidh Narayan Anad** : Will the Government be pleased to state the value of the seeds purchased by the Agricultural department during the last two years—

- (i) the value of the seeds sold,
- (ii) the value of seeds written off,
- (iii) the profit or loss sustained, and
- (iv) the stock held by the department for the last four years ?

**The Hon'ble Lieut. Nawaḥ Muhammad Ahmad Sa'id Khan** : (i), (iii) and (iv) The figures for two and four years asked for are not immediately available as the departmental detailed audit of accounts of seed stores was only started a year ago. The figures for the last completed year, 1923-24, are as follows :—

					Rs.
(1) Total value of seed sold	..	..	..	..	1,41,987
(2) Net profit ..	..	..	..	..	18,415
(3) Stock of new seed held in 1923-24	..	..	..	..	1,71,896

(ii) The exact figures are not obtainable for 1922-23. The value in 1923-24 was Rs. 47.

## SEED DÉPÔTS AND IMPLEMENTS.

\*61. **Babu Parsidh Narayan Anad** : Will the Government be pleased to state—

- (1) whether any arrangement was made by the Department of Agriculture for the supply of good quality of seeds and implements to the cultivators of flood-stricken area ;
- (2) how many seed dépôts and implement stores were opened in each district and what are they ;
- (3) what is the total cost of seeds supplied and implements sold respectively ;
- (4) what other activities were taken over by the Department of Agriculture and help rendered ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : (1) and (4) The honourable member is referred to the reply given to Council question No. 167 on the 16th December, 1924.

(2) No new seed dépôts and implement stores were opened in any of the flooded districts, but seed and implements were supplied from existing dépôts.

(3) The total cost of seeds, implements and fodder is given below :—

						Rs.
Seed ..	..	..	..	..	..	7,409
Implements ..	..	..	..	..	..	1,125
Fodder..	..	..	..	..	..	6,810

Also 1,795 maunds of sugarcane seed were supplied to cultivators at concession rates.

**Babu Nemi Saran** : May I inquire why these wheat seeds were supplied to only these five districts and not to the other districts ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : Because they must have been more needed there.

**Babu Nemi Saran:** Will the Hon'ble Minister kindly inquire whether other districts were really in need of it, but did not get it?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** I think it would serve no useful purpose now.

**Babu Nemi Saran:** Only to show that some district officers are at fault.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** Had it been brought to the notice of the Government earlier, I think we would have been able to do something.

*Starred question No. 167 asked on the 16th December, 1924, and the reply given thereto.*

#### QUESTION.

\* What help have the Departments of Forest and Agriculture rendered to the flooded area?

#### ANSWER.

\* The only requests for assistance in connection with the floods which have come to the notice of the Chief Conservator relate to the supply of hay and the lending of tramway material and were immediately complied with. The local authorities have presumably arranged for trees for bridges and the like where applications were received.

Large quantities of fodder were supplied at reduced rates to the relief committees and local authorities at Cawnpore, Agra and Bharatpur. Further fodder reserves have been similarly placed at the disposal of the local authorities at Cawnpore, Etawah, Hardoi and Budaun and are being utilized by them.

An officer of the department was deputed to assist the subordinate officer in charge of the flooded area in Agra in getting the necessary seed for *rabi* sowings.

Wheat seed was placed at the disposal of the local authorities and supplied in *tagavi* in Cawnpore, Agra, Budaun, Kheri and Sitapur.

#### COMMERCIAL AND INDUSTRIAL CONCERNS

\*62. **Babu Parsidh Narayan Anad:** Will the Government be pleased to state—

- (a) the commercial and industrial concerns in which experiments in industrial processes in these provinces are carried on by the State ;
- (b) whether they are training young men as apprentices in the process of manufacture of those particular commodities with a view to getting them employed in private concerns ;
- (c) if the answer to the above is in the affirmative, the number of students so trained in each section ; and
- (d) whether subsidies have been paid to any private industrial or commercial concerns since the Industries department was inaugurated in this province, and also the names of the articles the manufacture of which the Government have so far fostered ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :**

(a) None.

(b) and (c) Do not arise.

(d) (i) Yes ; a list is laid on the honourable member's table.

(ii) The honourable member is referred to the annual reports published by the Director of Industries.

*List referred to in part (d) (i) of the answer to starred question No 62 asked by BABU PARSIDH NARAYAN ANAD SAHIB on the 13th March, 1925.*

Names of private individual and concerns to whom subsidy was given.	Amount.	Articles for the manufacture of which subsidy was given.
	Rs.	
1. D. Waldie & Co., Cawnpore ..	2,000	Bichromate of potash.
2. A. H. Mirza, Esq., Ramnagar Cutch Factory, Bareilly.	10,000	Vegetable dyes and tanning
3. Mr. B. B. Shukla of Ink Factory, Cawnpore.	4,000	Ink.
4. Pandit Raja Ram Bhatta, Kath-ki-Haveli, Benares.	6,000	Gold thread.
5. Pandit K.J.P. Bhargava of Naini Glass Works, Allahabad.	4,000	Glass.
6. Pandit V. M. Gokhale, Benares ..	1,000	Gota
7. The Agra Pencil Factory, Agra ..	4,000	Pencils.
8. Mr. Fida Ali, Muzaffarnagar ..	8,500	Moradabad hollow-ware,
9. The Scientific Instrument Co., Allahabad.	5,000	Scientific instruments.
10. The Radha Swami Dayal Bagh Institute, Agra.	2,000	Fibre.
11. Takhana Bros., Pilibhit .. ..	200	Inks, hair dyes and boot polish, etc
12. Mr. M. P. Gupta, Bindi, district Fatehpur	1,100	Oil.
13. Babu Basdeoiji Srivastava, Hollow-ware and tin-works, Cawnpore.	1,000	Hollow-ware.
14. Mr. H. K. Faizi, Khurja .. ..	500	Articles made of straw.
15. Mr. Muhammad Ahmad Khan of Re Bareilly.	200	Handlooms.
16. Pandit Raj Narain Misra, apprentice engineer, Woollen Mills, Cawnpore.	200	Gokhru and dalchana
7. Mr. T. R. Lewis, Swadeshi Engineering Works, Cawnpore.	300	Oil ghannis.

CO-OPERATIVE SOCIETIES.

\*63. **Babu Parsidh Narayan Anad**: Will the Government be pleased to state—

- (i) whether any arrangement was made to start co-operative societies in the flood-affected villages ;
- (ii) whether any attempt was made in the affected districts to open co-operative stores for joint purchase of food-grains in order to have a check against profiteering ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan**: (i) Forty primary societies have been started.

(ii) No. There were no reports of profiteering.

GOVERNMENT, AIDED AND UNAIDED COLLEGES.

\*64. **Babu Parsidh Narayan Anad**: Will the Government be pleased to lay on the table a statement showing—

- (i) the number of colleges in the whole of the United Provinces of Agra and Oudh, mentioning the names, district by district ;
- (ii) which of them are Government colleges ;
- (iii) which of them receive grants-in-aid from the Government ; and
- (iv) the amount of the aid granted to each college per month ?

**The Hon'ble Rai Rajeshwar Bali**: A statement is laid on the table of the honourable member.

Serial No.	Name of the College	District.	Government aided or unaided.	The amount of grant per month
<b>MEERUT DIVISION.</b>				Rs. a. p.
1	Meerut College .. ..	Meerut ..	Aided .. ..	2,408 6 8
2	D. A.-V. Intermediate College	Dehra Dun..	Do. .. ..	1,691 0 0
3	N. R. E. O. Intermediate College	Khurja ..	Do. .. ..	1,659 0 0
4	Thomason College ..	Roorkee ..	Government ..	Maintained by Government.
<b>AGRA DIVISION.</b>				
5	Aligarh Muslim University Intermediate College.	Aligarh ..	Aided .. ..	1,947 0 0
6	Agra College ' .. ..	Agra ..	Do. .. ..	5,187 14 8
7	St. John's College ..	Do. ..	Do. .. ..	3,957 10 8
8	Radhaswami Educational Institute.	Do. ..	Do. .. ..	1,440 0 0
9	Training College ..	Do. ..	Government ..	Maintained by Government.

Serial No.	Name of the College.	District.	Government aided or unaided.		The amount of grant per month.
ROHILKHAND DIVISION.					Rs. a. p.
10	Bareilly College .. ..	Bareilly ..	Aided ..	..	1,670 6 8
11	Shyam Sundar Memorial Intermediate College.	Chandausi ..	Do. ..	..	2,412 0 0
12	Government Intermediate College.	Moradabad..	Government	..	Maintained by Government
ALLAHABAD DIVISION.					
13	Christ Church Intermediate College.	Cawnpore! ..	Aided ..	..	1,820 0 0
14	D. A.-V. College .. ..	Ditto ..	Do. ..	..	1,416 10 8
15	Sanatan Dharm College of Commerce.	Ditto ..	Do. ..	..	2,201 1 4
16	Kayastha Pathshala Inter- mediate College.	Allahabad ..	Do. ..	..	1,999 0 0
17	Grosthwaite Girls' Inter- mediate College.	Ditto ..	Do. ..	..	2,202 0 0
18	Training College .. ..	Ditto ..	Government	..	Maintained by Government.
19	Government Intermediate College.	Ditto ..	Ditto	..	..
20	Ditto .. ..	Etawah ..	Ditto	..	..
21	Ewing Christian Intermediate College	Allahabad ..	Unaided	..	Nil.
GORAKHPUR DIVISION.					
22	St Andrew's College ..	Gorakhpur..	Aided ..	..	1,772 13 4
BENARES DIVISION,					
23	Udai Pratab College and Hewett Kshattriya School.	Benares ..	Unaided	..	Nil.
24	Queen's Intermediate College	Ditto ..	Government	..	Maintained by Government.
25	Sanskrit College .. ..	Ditto ..	Ditto	..	Ditto.
26	Theosophical National Girls' School and Women's Inter- mediate College.	Ditto ..	Aided ..	..	1,106 0 0
LUCKNOW DIVISION					
27	Shia Intermediate College ..	Lucknow ..	Aided ..	..	1,236 0 0
28	Lucknow Christian Inter- mediate College.	Ditto ..	Do. ..	..	1,625 0 0
29	Kanya Kubja Intermediate College.	Ditto ..	Do. ..	..	917 0 0
30	Isabella Thoburn College ..	Ditto ..	Do. ..	..	1,374 13 4



Serial No.	Name of the College.	District.	Government aided or unaided.	The amount of grant per month.
<b>LUCKNOW DIVISION—</b> (concluded).				Rs. a. p.
31	La Martiniere College ..	Lucknow ..	Aided .. ..	1,505 5 4
32	Jubilee Intermediate College..	Ditto ..	Government ..	Maintained by Government.
33	Training College ..	Ditto ..	Ditto ..	Ditto.
<b>KUMAUN DIVISION.</b>				
34	Government Intermediate College.	Almora ..	Government ..	Maintained by Government.
35	St. Joseph's Intermediate College.	Naini Tal ..	Aided .. ..	1,436 9 4
36	St. George's Intermediate College.	Mussoorie ..	Do. .. ..	1,617 8 0
<b>FYZABAD DIVISION.</b>				
37	Government Intermediate College.	Fyzabad ..	Government ..	Maintained by Government.
<b>JHANSI DIVISION.</b>				
38	Government Intermediate College.	Jhansi ..	Government ..	Maintained by Government.

**SALARIES OF OFFICERS OF INDUSTRIES DEPARTMENT.**

\*65. **Babu Parsidh Narayan Anad** : Will the Hon'ble the Minister in charge of the Department of Industries be pleased to lay on the table a statement showing separately what amount out of the total sum spent for the salary of all grades of officers under him goes to the members of the following communities, namely,—

- (i) European,
- (ii) Anglo-Indian,
- (iii) Hindu, and
- (iv) Muhammadan ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : The monthly totals are as follows:—

					Rs.
(i) Europeans ..	..	..	..	..	9,125
(ii) Anglo-Indian ..	..	..	..	..	..
(iii) Hindu ..	..	..	..	..	9,625
(iv) Muhammadans ..	..	..	..	..	2,520

**COUNCIL ELECTIONS.**

\*66. **Babu Parsidh Narayan Anad** : Will the Government be pleased to lay on the table a statement for the last general election showing, district by district—

- (i) the number of the voters in the last electoral roll in each constituency of these provinces ;
- (ii) the number of voters who have actually recorded their votes ; and
- (iii) the number of votes received by each candidate in each con-

**The Hon'ble Mr. S. P. O'Donnell:** No statistics are available district by district except where the constituency coincides with the district. A statement is laid on the table showing the number of voters on the electoral roll and the number who recorded their votes in each constituency at the last general election. Figures showing the number of votes received by each candidate are not available.

*Statement referred to in answer to starred question No. 66 for the 13th March, 1925.*

Name of constituency.	Number of voters on electoral roll.	Number of votes recorded.
Agra city (non-Muhammadian Urban) ..	9,017	4,137
Cawnpore city (non-Muhammadian Urban) ..	18,778	9,572
Allahabad city (non-Muhammadian Urban) ..	5,645	1,878
Lucknow city (non-Muhammadian Urban) ..	10,447	Uncontested.
Benares city (non-Muhammadian Urban) ..	8,160	3,519
Bareilly city (non-Muhammadian Urban) ..	5,428	2,392
Meerut-cum-Aligarh (non-Muhammadian Urban).	8,797	Uncontested.
Moradabad-cum-Shahjahanpur (non-Muhammadian Urban).	5,442	3,030
Dehra Dun district (non-Muhammadian Rural)	5,519	2,124
Saharanpur district (non-Muhammadian Rural)	25,444	14,575
Muzaffarnagar district (non-Muhammadian Rural).	29,352	20,111
Meerut district (North) (non-Muhammadian Rural).	24,886	13,343
Meerut district (South) (non-Muhammadian Rural).	20,745	8,559
Bulandshahr district (East) (non-Muhammadian Rural).	25,321	10,772
Bulandshahr district (West) (non-Muhammadian Rural).	21,093	7,289
Aligarh district (East) (non-Muhammadian Rural).	23,892	Uncontested.
Aligarh district (West) (non-Muhammadian Rural).	22,329	Do.
Muttra district (non-Muhammadian Rural) ..	25,567	9,263
Agra district (non-Muhammadian Rural) ..	26,949	10,892
Mainpuri district (non-Muhammadian Rural)	24,300	Uncontested.
Etah district (non-Muhammadian Rural) ..	27,908	8,786
Bareilly district (non-Muhammadian Rural) ..	20,333	11,739
Bijnor district (non-Muhammadian Rural) ..	24,976	11,081

Name of constituency.	Number of voters on electoral roll.	Number of votes recorded.
Budaun district (non-Muhammadan Rural)..	20,881	9,217
Moradabad district (non-Muhammadan Rural)	31,917	Uncontested.
Shahjahanpur district (non-Muhammadan Rural).	13,959	5,879
Pilibhit district (non-Muhammadan Rural)..	11,237	Uncontested.
Jhansi district (non-Muhammadan Rural) ..	12,288	5,820
Jalaun district (non-Muhammadan Rural) ..	16,485	7,227
Hamirpur district (non-Muhammadan Rural)	12,067	3,468
Banda district (non-Muhammadan Rural) ..	11,131	5,048
Farrukhabad district (non-Muhammadan Rural).	21,075	14,218
Etawah district (non-Muhammadan Rural)..	26,662	10,907
Cawnpore district (non-Muhammadan Rural)	27,651	9,392
Fatehpur district (non-Muhammadan Rural)	16,507	6,503
Allahabad district (non-Muhammadan Rural)	19,937	5,744
Benares district (non-Muhammadan Rural)..	9,810	3,570
Mirzapur district (non-Muhammadan Rural)	9,743	4,772
Jaunpur district (non-Muhammadan Rural)..	19,718	11,016
Ghazipur district (non-Muhammadan Rural)	11,681	5,668
Ballia district (non Muhammadan Rural) ..	13,790	Uncontested.
Gorakhpur district (West) (non-Muhammadan Rural).	10,978	6,329
Gorakhpur district (East) (non-Muhammadan Rural).	11,716	Uncontested.
Basti district (non-Muhammadan Rural) ..	18,895	9,001
Azamgarh district (non-Muhammadan Rural)	15,908	7,372
Naini Tal district (non-Muhammadan Rural)	15,706	4,820
Almora district (non-Muhammadan Rural) ..	112,999	16,002
Garhwal district (non-Muhammadan Rural)..	76,435	19,672
Lucknow district (non-Muhammadan Rural)	16,290	8,068
Unao district (non-Muhammadan Rural) ..	20,506	Uncontested.
Bae Bareilly district (non-Muhammadan Rural)	19,479	10,800
Sitapur district (non-Muhammadan Rural) ..	51,091	20,729
Hardoi district (non-Muhammadan Rural) ..	29,722	Uncontested.

Name of constituency.	Number of voters on electoral roll.	Number of votes recorded.
Kheri district (non-Muhammadan Rural) ..	20,870	Uncontested.
Fyzabad district (non-Muhammadan Rural) ..	19,100	11,351
Gonda district (non-Muhammadan Rural) ..	27,735	12,828
Bahraich district (non-Muhammadan Rural)	28,541	8,058
Sultanpur district (non-Muhammadan Rural)	17,416	9,077
Partabgarh district (non-Muhammadan Rural)	15,234	3,479
Bara Banki district (non-Muhammadan Rural)	35,950	21,336
Allahabad-cum-Benares (Muhammadan Urban)	4,875	3,105
Lucknow-cum-Cawnpore (Muhammadan Urban).	21,988	Uncontested.
Agra and Meerut-cum-Aligarh (Muhammadan Urban).	9,497	5,010
Bareilly and Shahjahanpur-cum-Moradabad (Muhammadan Urban).	8,812	3,276
Dehra Dun district (Muhammadan Rural) ..	4,853	2,249
Saharanpur district (Muhammadan Rural) ..	8,800	2,022
Meerut district (Muhammadan Rural) ..	8,079	Uncontested.
Muzaffarnagar district (Muhammadan Rural)	10,537	7,610
Bijnor district (Muhammadan Rural) ..	9,732	5,888
Bulandshahr district (Muhammadan Rural)	8,429	Uncontested.
Aligarh, Muttra and Agra districts (Muhammadan Rural).	7,351	Ditto.
Mainpuri, Etah and Farrukhabad districts (Muhammadan Rural).	6,311	3,971
Etawah, Cawnpore and Fatehpur districts (Muhammadan Rural).	4,824	Uncontested.
Jhansi division (Muhammadan Rural) ..	4,381	1,829
Allahabad, Jaunpur and Mirzapur districts (Muhammadan Rural).	7,935	3,743
Benares, Ghazipur, Ballia and Azamgarh districts (Muhammadan Rural).	4,831	3,947
Gorakhpur district (Muhammadan Rural) ..	2,120	Uncontested.
Basti district (Muhammadan Rural) ..	5,340	2,413
Moradabad (North) (Muhammadan Rural) ..	7,381	4,965
Moradabad (South) (Muhammadan Rural) ..	7,771	4,406
Budaun district (Muhammadan Rural) ..	3,812	2,965

Name of constituency.	Number of voters on electoral roll.	Number of votes recorded.
Shahjahanpur district (Muhammadian Rural)	1,841	Uncontested.
Bareilly district (Muhammadian Rural) ..	4,614	3,656
Kumaun division-cum-Pilibhit (Muhammadian Rural)	5,047	1,720
Gonda and Bahraich districts (Muhammadian Rural).	11,898	5,467
Kheri and Sitapur districts (Muhammadian Rural).	6,873	3,741
Hardoi, Lucknow and Unao districts (Muhammadian Rural).	6,456	3,646
Fyzabad and Bara Banki districts (Muhammadian Rural).	6,812	Uncontested.
Sultanpur, Partabgarh and Rae Bareilly districts (Muhammadian Rural).	7,063	3,565
European .. .. .	4,408	Uncontested.
Agra Landholders (North) .. ..	373	214
Agra Landholders (South) .. ..	323	Uncontested.
Taluqdars .. .. .	369	368
Upper India Chamber of Commerce ..	77	Uncontested.
United Provinces Chamber of Commerce ..	100	94
Allahabad University .. ..	3 276	2,343

# DISTRICT AND MUNICIPAL BOARD ELECTIONS.

\*67. **Babu Parsidh Narayan Anad**: Will the Government be pleased to state whether any change is contemplated in the time for holding district and municipal boards elections ?

**The Hon'ble Rai Rajeshwar Bali**: There will be no change in the time of municipal elections. District board elections will be held in December in the plains and in October in the Kumaun division.

**Thakur Manjit Singh Rathor**: Will it be possible for Government to consider that municipal elections should be held in January instead of March ?

**The Hon'ble Rai Rajeshwar Bali**: We have received no such suggestions.

**Thakur Manjit Singh Rathor**: If suggestions are received, will the Government be pleased to consider them ?

**The Hon'ble Rai Rajeshwar Bali**: Yes. The suggestions will be considered.

## TOWN IMPROVEMENT INQUIRY COMMITTEE.

\*68. **Babu Parsidh Narayan Anad** : (a) Will the Government be pleased to state whether it is contemplated to give effect to the recommendations of the Town Improvement Inquiry Committee? If so, when?

(b) Will the Government be pleased to lay before the Council the recommendation of the committee, in case it is not in full agreement with them?

**The Hon'ble Rai Rajeshwar Bali** : (a) The intentions of the Government will appear in a resolution which will shortly be published.

(b) Copies of the committee's report were distributed to honourable members in December last.

## AGRA TENANCY BILL.

\*69. **Babu Parsidh Narayan Anad** : When is the Agra Tenancy Bill likely to be introduced in the Council?

Will the Government be pleased to state the reason for the delay in introducing the Bill?

**The Hon'ble Mr. S. P. O'Donnell** : The Agra Tenancy Bill is now the subject of correspondence between this Government and the Government of India, and I am unable therefore to state when it will be introduced.

## PROSCRIPTION OF BOOKS, PAMPHLETS AND PERIODICALS IN UNITED PROVINCES.

\*70. **Babu Parsidh Narayan Anad** : (a) Will the Government be pleased to lay on the table a list of the books, periodicals and pamphlets with the names of their authors proscribed in the United Provinces of Agra and Oudh—

(i) after the passing of the Press Act ;

(ii) after the amendment of the Press Act ?

(b) Will the Government be pleased to state the reasons for their proscription in each case?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : Every proscription is notified in detail in the Gazette, with reasons. The honourable member is therefore referred to the various issues of the Gazette.

## MESTON AWARD.

\*71. **Babu Parsidh Narayan Anad** : Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(i) how far the Government have succeeded in the matter of their protest against the Meston Award so far as it affects the United Provinces of Agra and Oudh ;

(ii) whether there is any likelihood of its revision in the near future ?

**The Hon'ble Mr. S. P. O'Donnell** : The Hon'able member must already be aware of the situation from a perusal of the daily press.

## GOVERNMENT PRESS, ALLAHABAD.

\*72. **Babu Parsidh Narayan Anad** : (a) Will the Government be pleased to furnish a statement showing the annual establishment charges of the Government Press at Allahabad from the year 1914-15 to 1922-23 and the annual outturn of work during that period?

(b) Will the Government also state and furnish figures showing the cost incurred in the purchase of plant and machinery for the Government Press annually since the year 1914-15 and what have been the savings in the recurring establishment charges?

(c) Is it a fact that a Branch Press has been established at Lucknow?

(i) What is the cost of establishment per annum?

(ii) Is this a temporary measure?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** (a) A statement is laid on the table.

(b) A statement is laid on the table. No direct savings in establishment can be shown as a result of the purchase of machinery and plant, as expenditure on this account is necessary to replace wornout and unserviceable plant, but overtime has been reduced. The increase in wages since 1919 is another factor which has prevented any savings accruing from the improvement of plant and machinery.

(c) Yes.

(i) The cost in 1923-24 was Rs. 11,472.

(ii) No. The need for a permanent press at Lucknow has been established.

*Statement referred to in the answer to part (a) of starred question No. 71 of the 13th March, 1925.*

Year.					Establishment charges.	Outturn.
					Rs *	Rs.
1914-15	..	..	..	..	2,55,801	2,88,596
1915-16	..	..	..	..	2,59,814	2,85,726
1916-17	..	..	..	..	2,87,117	2,65,807
1917-18	..	..	..	..	2,17,724	2,38,228
1918-19	..	..	..	..	2,47,269	2,84,282
1919-20	..	..	..	..	2,98,087*	3,27,204
1920-21	..	..	..	..	4,80,182†	5,02,109
1921-22	..	..	..	..	4,77,728	4,64,893
1922-23	..	..	..	..	4,39,333	4,79,648

\* Includes two months' increase under the Silberrad scheme.

† First full year under the Silberrad scheme.

*Statement referred to in the answer to part (b) of starred question No. 72 of the 13th March, 1925.*

Year.						Plant and machinery.
						Rs.
1914-15	..	..	..	..	..	27,324
1915-16	..	..	..	..	..	20,838
1916-17	..	..	..	..	..	11,695
1917-18	..	..	..	..	..	12,577
1918-19	..	..	..	..	..	18,210
1919-20	..	..	..	..	..	38,585
1920-21	..	..	..	..	..	60,378
1921-22	..	..	..	..	..	78,672
1922-23	..	..	..	..	..	1,27,317

\* Includes value of types manufactured in the Press.

## HONORARY MAGISTRATES.

\*73. **Babu Parsidh Narayan Anad:** (a) Will the Government be pleased to state the number of honorary magistrates in the United Provinces of Agra and Oudh?

(b) Is there any such magistrate who belongs to the depressed class?

(c) Are the Government considering the desirability of appointing honorary magistrates, honorary munsifs and honorary assistant collectors from the depressed class?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** (a) Rather more than 1,200.

(b) Government have no information.

(c) The term "depressed class" is vague. The honourable member however may rest assured that no person, otherwise qualified, will be regarded as ineligible merely on account of class or caste.

## LEGISLATIVE MEASURES.

\*74. **Babu Parsidh Narayan Anad:** Will the Government be pleased to furnish a statement regarding the legislative measures to be introduced by the Government during the present session of the Council?

**The Hon'ble Mr. S. P. O'Donnell:**—The present session is now drawing to a close and the honourable member is already aware of the legislative measures which have been introduced or which it is proposed to introduce in it.

## AGRICULTURAL NEEDS OF ALLAHABAD AND FATEHPUR.

\*75. **Babu Parsidh Narayan Anad:** Will the Government be pleased to state—

- (i) whether any Deputy or Assistant Director of Agriculture has been deputed since October, 1919, to study the agricultural needs of the districts of Allahabad and Fatehpur and to suggest lines of demonstration work;
- (ii) whether any reports have been received as a result of the study of the agricultural needs of the districts of Allahabad and Fatehpur suggesting lines of demonstration work since March, 1919, and, if so, whether the Government will be pleased to place such reports on the table;
- (iii) whether any steps have been taken to open dépôts in any of the centres of these districts for selling tried varieties of seeds and artificial and chemical manures suitable to the district up till now;
- (iv) whether the Government propose to open such dépôts in the near future; and
- (v) whether the Government contemplate any demonstration work in the near future, and, if so, when?

**The Hon'ble Lieut. Nawab Muhammad Ahmad [Sa'id Khan:**

(i) A member of the Subordinate Agricultural Service and two fieldmen are permanently stationed at Fatehpur under the direct supervision of the Deputy Director in charge of the Central circle.

(ii) Does not arise.



(iii) Yes. Three seed and implement stores have been opened in the Fatehpur district at Kara Jahanbad, Zafarabad and Khaga. Seed and implements valued at Rs. 7,938 were issued from these stores last year.

(iv) and (v) Government will consider the desirability of increasing activities in these districts when funds are available.

CHAIRMAN, MUNICIPAL BOARD, AMROHA.

\*76. **Dr. Shafa'at Ahmad Khan** : Referring to my previous questions, and the answers of the Government, concerning the chairman, Amroha municipal board, will the Government be pleased to state—

- (a) when, and on what date, they decided to retain an official chairman at Amroha;
- (b) on whose advice they decided to retain the official chairman;
- (c) for how long will the official chairman be kept?

\*77. Will the Hon'ble the Minister for Local Self-Government be pleased to state the result of the inquiry which he promised to make in reply to my speech in the Council on the nature of compromise at Amroha municipal board on the 29th January?

**The Hon'ble Rai Rajeshwar Bali** : Certain inquiries are being made and Government hope to come to a decision very shortly.

RULES UNDER THE MUSALMAN WAQF ACT.

\*78. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to state when the final rules under section 5 of the Musalman Waqf Act will be published?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : The final rules were published in the Gazette of the 28th February, 1925.

COMPLAINT AGAINST TOWN MAGISTRATE, JHANSI.

\*79. **Pandit Bhagwat Narayan Bhargava** : (1) With reference to starred question No. 101 of the 17th December, 1924, will the Government kindly state if the investigation has been finished now?

(2) What has been the result of the investigation and what action has the Government taken on it?

**The Hon'ble Rai Rajeshwar Bali** : (1) Yes.

(2) The substance of the complaints made in the petition under investigation were that in spite of the clean state of the town the Town Magistrate inflicted fines indiscriminately and that the District Magistrate had raised the amount to be levied by taxation in order to obtain more funds for conservancy purposes. The Government are informed that the state of the town has always been filthy owing to the apathy of the inhabitants and the laziness of the sweepers. The town was in that condition in August when it was threatened with an epidemic of cholera. It was felt necessary to take energetic steps to clean the town and the Town Magistrate decided to prosecute 33 persons for breach of the orders made under section 26 of the Town Areas Act. Out of these 13 persons were at their own request dealt with on the spot. The remainder were tried later in Jhansi. The District Magistrate expressed the opinion that the amount to be raised by taxation ought to be increased. No action has been taken by the Government.

## BRIDGES IN GARHWAL.

\*80. **Mr. Mukandi Lal** : Will the Government be pleased to give—

- (a) the number of bridges in Garhwal ;
- (b) how many of them are under the district board ; and
- (c) how many under the Public Works department ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan** : (a, 381.

(b) 200.

(c) 181.

\*81. **Mr. Mukandi Lal** : How many bridges were damaged or affected by the torrential rains of September last in Garhwal ; and how many of them are under the district board and Public Works department, respectively ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan** : 130 bridges were damaged or affected by the torrential rains of September last in the Garhwal districts. Of these, 104 bridges were under the district board and 26 under the Public Works department.

## POLICE STATION, LANSDOWNE.

\*84. **Mr. Mukandi Lal** . Is the Government aware of the fact that the new police station at Lansdowne contains two rooms 12 by 12 feet and 12 by 6 feet each to be used as lock-ups for under-trial prisoners.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : It is understood that the new thana at Lansdowne contains the usual lock-up.

**Mr. Mukandi Lal** : Will these lock-ups be used for under-trial prisoners in sessions cases ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : I suppose so.

## PERSONS CONVICTED IN THE BOLSHEVIK CONSPIRACY CASE.

\*85. **Babu Bhagwati Sahai Bedar** : (1) Is it a fact that prisoners convicted in the Bolshevik conspiracy case have been deprived of their special treatment ?

(2) Will the Government be pleased to state—

- (a) the names of jails where they are confined ;
- (b) the condition of their health ;
- (c) the labour given to them ;
- (d) the names of newspapers and books supplied to them ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : (1) Yes.

(2). (a) S. H. Dange is confined in the Sitapur District Jail, Muzafer Ahmad in the Rae Bareilly District Jail and Shaukat Usmani in the Bareilly District Jail.

(b) The health of S. H. Dange and Shaukat Usmani is reported to be good ; that of Muzafer Ahmad is reported to be indifferent, but to be improving.

(c) Light labour,

(d) newspapers are not allowed. Books allowed are a dictionary, an atlas, a book on ancient law, books on geography and novels.

AGRA FEMALE PRISON.

**\*87. Babu Bhagwati Sahai Bedar :** Will the Government be pleased to state the reasons of breaking up the Agra female prison ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The Agra female prison was closed as the number of prisoners had fallen from a daily average of 1,064 in 1909 to 504 in 1923, and this number could easily be accommodated elsewhere.

REVISION OF KASHIPUR SETTLEMENT.

**\*88. Pandit Govind Ballabh Pant :** What is the extent of the area under cultivation and the amount of revenue assessed in pargana Kashipur at the last revision of settlement and what are the corresponding figures now ?

**The Hon'ble Mr. S. P. O'Donnell :**

	Area	Revenue.
	Acres.	Rs.
At last revision of settlement (1321 Fash) ..	43,952	84,377
Present figures (1331 Fash) ..	29,685	79,817

**Pandit Govind Ballabh Pant :** In view of these figures will the Government be pleased to order the revision of settlement in villages where the revenue has deteriorated ?

**The Hon'ble Mr. S. P. O'Donnell :** The area figures are misleading. The actual rental demand in the present year is higher than it was at the time of the last revision of settlement. There has been a deterioration in some villages. Last year there was a reduction in ten mahals and this year again there is a reduction in another ten mahals.

**Pandit Govind Ballabh Pant :** While the decrease in area is about one-third the reduction in revenue is less than 6 per cent. How is this ?

**The Hon'ble Mr. S. P. O'Donnell :** The important point is not the area but the rental demand which is higher this time than it was previously.

**Pandit Govind Ballabh Pant :** What were the actual collections ?

**The Hon'ble Mr. S. P. O'Donnell :** I do not know. But I understand the collections were normal.

**Pandit Govind Ballabh Pant :** Is it suggested that in spite of a reduction in area of one-third the rental has gone up ?

**The Hon'ble Mr. S. P. O'Donnell :** These are the figures of assessment. I suppose the figures of collections have not gone up in reality.

**Pandit Govind Ballabh Pant :** Will the Government ask for the figures of collections ?

**The Hon'ble Mr. S. P. O'Donnell :** Yes. I will ask for the figures.

**UNSTARRED QUESTIONS.**

BINDKI BAZAR LAND.

5. **Pandit Sri Krishna Dutt Paliwal :** Is the land comprising the Bindki Bazar nazul land or is it under the management of the Government ?

**Mr. G. B. F. Muir :** The land is nazul and under the management of Government.

6. **Pandit Sri Krishna Dutt Paliwal :** Will the Government be pleased to state the circumstances under which this land was declared nazul land ?

**Mr. G. B. F. Muir :** The bazar was built by a tahsildar about a century ago. The question of ownership of the land was raised during the settlements of 1839 and 1873. The Settlement Officer after local inquiry decided in 1873 that none of the zamindars who claimed the land had any right to it and declared the land to be nazul. This decision was upheld in a subsequent civil suit.

7. **Pandit Sri Krishna Dutt Paliwal :** What portion of the income derived from the nazul is taken by the Government and how much remains with the *panchayat* ?

**Mr. G. B. F. Muir :** One-fourth is credited to Government and three-fourths to the town fund.

8. **Pandit Sri Krishna Dutt Paliwal :** Is it a fact that the sites on the *farhkhana* in the Bindki Bazar were demolished at the instance of a District Magistrate? Have any shops been erected now on that very site? What were the circumstances which necessitated this change of policy ?

**Mr. G. B. F. Muir :** Yes. The site was cleared about 40 years ago to make standing room for carts, but is now occupied by sheds as another place has been provided for carts.

#### PUBLIC WORKS DEPARTMENT AND INTRA-MUNICIPAL ROADS, LUCKNOW.

9. **Babu Mohan Lal Saksena :** Is the Government aware of the very bad condition of the Public Works department and intra-municipal roads in Lucknow specially important roads like LaTouche Road, Napier Road, Crommelin Road, etc. ?

**Mr. G. B. F. Muir :** Yes.

10. **Babu Mohan Lal Saksena :** Will the Government be pleased to name the agency which has been and is still responsible for the repairs and maintenance of intra-municipal roads and also state the time since when they have not been remodelled ? Will the Hon'ble Minister take necessary steps to have them repaired at an early date ?

**Mr. G. B. F. Muir :** The agencies responsible for the maintenance of the roads are Public Works department, municipal and district boards, Husainabad Trust and Improvement Trust. Several of the roads or parts thereof have not been renewed for a long time. As regards provincial roads Government are making investigations into the best methods of re-constructing them to make them fit for the vastly increased traffic. The other roads are the concern of local authorities, not of Government.

#### ADDITIONAL SUBORDINATE JUDGE'S COURT, BALLIA.

11. **Babu Dip Narayan Roy :** Will the Government be pleased to state if it is contemplated to establish a permanent additional subordinate judge's court in Ballia district ?

**Mr. J. R. W. Bennett :** There is no such proposal under consideration.

USURIOUS LOANS ACT OF 1918.

**12. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to lay on the table a complete and detailed account of the suits brought in (1) the High Court, and (2) the district courts and lower courts of these provinces, under the Usurious Loans Act of 1918? How many have been decided in favour of the plaintiffs?

**Mr. J. R. W. Bennett :** No suits are brought under the Usurious Loans Act of 1918.

FOREIGN LIQUOR SHOPS.

**14. Mr. Muhammad Zahur Ahmad :** Will the Government be pleased to state how it proposes to make reductions in the number of foreign liquor shops?

**Mr. E. A. H. Blunt :** The honourable member is referred to the reply given to starred question No. 122 asked at the meeting of the Legislative Council held on the 19th December, 1924, a copy of which is laid on the table.

*Starred question No. 122 and the answer given to it on the 19th December, 1924, referred to in answer to unstarred question No. 14 for the 13th March, 1925.*

**Babu Mohan Lal Saksena :** Will the Government be pleased to issue instructions to the Excise officers that at places where there are more than one foreign liquor shop they should abolish all such shops the licence of which is either voluntarily surrendered by the present licensee or cancelled by the Government for breach of rules or misconduct?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Government are unable to accept the proposal as it stands. The Excise Commissioner will be instructed to consider whether any further reductions are possible.

**15. Mr. Muhammad Zahur Ahmad :** Is it a fact that Messrs. Herbert Parrott and Company, Wine Merchants, Allahabad, have sold their good-will and stock-in-trade to Messrs. Sital Ram and Mata Din and Government have granted them a licence in the name of S. Parrott and Company?

**Mr. E. A. H. Blunt :** All that Government is aware of is that the licences held by Messrs. Herbert Parrott and Company, Limited, were transferred for the same premises to Messrs. Sital Ram, Mata Din at the request of the former firm in accordance with rule 82 of the Excise Manual.

**16. Mr. Muhammad Zahur Ahmad :** Is it a fact that district authorities have allowed another transfer of licence by permitting Messrs. Amir C and and Narnihal to sell their firm to Messrs. B. N. Rama and Company, Allahabad?

**Mr. E. A. H. Blunt :** Yes. The transfer has been sanctioned by the Excise Commissioner in accordance with rule 82 of the Excise Manual.

**17. Mr. Muhammad Zahur Ahmad :** Is it a fact that district authorities must, as a rule, refer such cases to the licensing boards before

sanctioning them? Will the Government be pleased to state why a departure was made in the above two cases?

**Mr. E. A. H. Blunt:** No. Licensing Boards have no jurisdiction in such cases.

#### SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

**18. Babu Parsidh Narayan Anad:** Will the Government be pleased to state what steps are being taken to carry into effect the recommendations of this Council regarding the separation of executive and judicial functions in the United Provinces?

**Mr. J. R. W. Bennett:** The position was explained in the debate on the resolution on this subject on the 10th September, 1924. Copies of that and of previous debates have been forwarded to the Government of India.

#### ABOLITION OF POLICE STATIONS IN ALLAHABAD AND FATEHPUR.

**22. Babu Parsidh Narayan Anad:** Will the Government be pleased to state the names of the particular police stations, if any, which are going to be abolished in the districts of Allahabad and Fatehpur in consequence of the recommendations of the Retrenchment Committee?

**Mr. G. B. Lambert:** No recommendation was made by the Retrenchment Committee for the abolition of any police stations in Allahabad and Fatehpur. But on a subsequent review of the possibility of reductions throughout the province, it has been decided to abolish the police station at Dando, district Allahabad, from the 1st April, 1925.

#### CULTIVATION OF COTTON.

**25. Babu Parsidh Narayan Anad:** Will the Government be pleased to state—

- (i) whether any steps are being taken by the Government for the cultivation of cotton of better quality in these provinces; and
- (ii) the number of agricultural officers in the province and the nature and the extent of their work?

**Kunwar Jagdish Prasad:** (1) The honourable member is referred to pages 21 and 22 of the Administration Report of the Agriculture department for the year ending 30th June, 1924, a copy of which has been laid on his table.

(ii) Fifteen Indian Agricultural Service officers and 17 United Provinces Agricultural Service officers; a list showing the nature of their work is given in appendix V of the Administration Report.

#### COURT OF WARDS BILL.

**27. Pandit Brijnandan Prasad Misra:** When does the Government propose to introduce the amending Court of Wards Bill in the Council as promised in the budget discussion last year?

**Mr. C. E. D. Peters:** No such undertaking can be traced. The honourable member is referred to the debate on the resolution of Raja Jagannath Bakhsh Singh on the 2nd March, 1925.

#### SEGREGATION OF LEPERS.

**32. Dr. Shafa'at Ahmad Khan:** Has the attention of the Government been drawn to the speech of Colonel Cochrane at a meeting held

at Government House, Lucknow, on the 2nd February, in which he stated that the provision of the Leper Act providing for compulsory segregation of lepers was a dead letter?

**Mr. G. B. F. Muir:** Yes.

**33. Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state why this provision has not been strictly enforced?

**Mr. G. B. F. Muir:** For want of sufficient accommodation for segregation of lepers.

**34. Dr. Shafa'at Ahmad Khan:** Have the Government drawn the attention of the municipal and district boards to this measure?

If so, what steps, if any, have the board taken?

If no steps have been taken by the boards, will the Government be pleased to take effective steps itself?

**Mr. G. B. F. Muir:** If by "this measure" the honourable member means the Leper Act, the answer to the first part of the question is in the negative. Certain boards maintain or contribute to leper asylums, the only step which the Act authorizes them to take. The whole subject of leprosy is under examination; the Government are anxious to do all that may be financially and otherwise practicable.

#### USURIOUS LOANS ACT OF 1918.

**37. Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state the number of suits brought before the courts in the following districts under the Usurious Loans Act of 1918:—

Moradabad, Bareilly, Shahjahanpur, Budaun, Pilibbit, Lucknow, Meerut, Agra, Gorakhpur, Allahabad, Benares and Fyzabad?

**Mr. J. R. W. Bennett:** No suits have been brought in the districts named under the Usurious Loans Act of 1918 as that Act cannot be made the basis for a suit.

**38. Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state the rate of interest allowed by the courts in the majority of such cases?

**39.** In how many cases did the lower courts reduce the interest demanded by the lender and to what extent?

**40.** Will the Government be pleased to state the duration of a typical case under the Usurious Loans Act, 1918?

**Mr. J. R. W. Bennett:** It would not be possible to ascertain the rate of interest allowed by the courts under the Usurious Loans Act of 1918 or the number of cases in which the interest demanded by the lender was reduced, or the duration of such cases without the examination of a very large number of records. This Government cannot undertake.

**41. Dr. Shafa'at Ahmad Khan:** Have the Government adopted any measures whereby the benefit of section 3 of the Usurious Loans Act should be extended to old loans as well as to new ones?

**Mr. J. R. W. Bennett:** The Act does not empower the Government, to adopt the measures suggested.

## MOTIONS FOR ADJOURNMENT.

**The Hon'ble the President :** I have received two notices from honourable members (they are Dr. Ganesh Prasad and Mr. Mukandi Lal) who wish to ask for leave to move the adjournment of the House today in order to draw the attention of the Council to the unsatisfactory and retrograde nature of the majority report of the Muddiman Committee on the ground that the matter is of urgent public importance. The matter is clearly of very great public importance. The other question is whether it can be held to be urgent. I should like to hear the honourable members about the urgency of the motion.

**Mr. Mukandi Lal :** I consider it urgent, Mr. President, because we have had no opportunity of expressing our opinion before the Reforms Committee and because we could not discuss the matter in this Council. Now the report of the committee has just been published and it seriously affects the constitution of this Council and also there are matters concerning the whole constitution of this Government. We understand that Lord Reading is going to England to confer on these problems with the Secretary of State and, though the time is very short to give a considered opinion, we would like to express our opinion at the earliest possible opportunity. I think this procedure has been followed in Bombay.

**Dr. Ganesh Prasad :** I have to mention three reasons why I took upon myself the responsibility to ask for leave to move this motion. The first is that certain recommendations of the Muddiman Committee will affect the status and position of the Ministers. For example, the recommendation that recruitment for the services in the transferred departments should be made over to, and be controlled by, the proposed Public Services Commission under the control of the Secretary of State. As my honourable friend, Mr. Mukandi Lal, has just said, after the 9th March we meet here today for the first time and it is therefore desirable that we should give expression to our sense of very great disappointment at the recommendations of the majority of the committee. Lord Reading, I understand, is going very soon to England, probably to consult the Secretary of State about these recommendations, and I think that it would not be out of place if you will, Sir, allow this Council an opportunity to express its opinion in regard to this matter.

**The Hon'ble the President :** I take it that the urgency is that it is believed that Lord Reading is going to England in April and an opportunity should be found for the House to discuss the question before His Excellency the Viceroy proceeds to England. The Hon'ble the Finance Member will be able to tell us whether there will be an opportunity to discuss this subject in the form of a resolution before Lord Reading goes to England. It seems not to be urgent, because an urgent matter is one that has to be taken up at once.

**Mr. Mukandi Lal :** If the honourable Leader of the House gave us an assurance that he would furnish us with an opportunity to discuss the motion as early as possible, I am perfectly ready to withdraw the present motion.

**The Hon'ble Mr. S. P. O'Donnell :** All that I can say is that it is intended that the 31st of March, the 3rd of April and probably part of 1st, should be allotted to non-official business.



**The Hon'ble the President:** The upshot is that the Government will allot days for the transaction of non-official business before we break up. There will thus be an opportunity in the ordinary way for a resolution to be moved. I cannot, however, say whether the resolution will be allowed by the Governor or not, for every one knows that where a matter is considered not to be the primary concern of the Local Government, the rules, both in regard to resolutions and motions for adjournment, have given to the Governor the power of disallowing them. Moreover, the matter can hardly be said to be urgent, as an opportunity will be given to the Council to discuss it in full before His Excellency the Viceroy proceeds to England. I further understand that the honourable member wants to withdraw his motion on these considerations; and that being so, there is no need for me to give a decision whether it is in order.

**Dr. Ganesh Prasad:** There is a very great deal of doubt whether His Excellency the Governor will allow this motion in the shape of a resolution. I had myself brought forward a similar resolution nearly six months ago about the evils of dyarchy, recommending Government to ask the Government of India to take early steps for its abolition but it was disallowed. I wish this Council to follow the precedent of the Bombay Legislative Council in taking the earliest opportunity of expressing its deep dis-appointment at the majority report and recommendations of the Reforms Inquiry Committee. For my part I do not wish to press the motion for adjournment of the House, although I thought that if we could have the earliest opportunity of discussing the report, we would probably be meeting the wishes of the outside public in the best way.

**The Hon'ble the President:** The honourable member is probably under a misapprehension with regard to my powers for motions of adjournment. I have no more power to bring a motion for adjournment on the floor of the House than I have in regard to resolutions. They both stand exactly on the same footing. The Governor can disallow a motion for adjournment exactly as he can a resolution. It is obvious the matter is not urgent because an opportunity will be given to discuss this question and the question will be discussed long before any final conclusions can be come to. In fact, the matter is clearly not urgent. That is one point. Another point in this connection is that the report has been out for a very few days only and I do not think that members have yet been able to go through it carefully. Therefore it would be better to wait for the present. The report is a very long and detailed report and the minority report is even longer and I doubt very much whether members have gone through the report carefully. I myself have not done so. So I think that even from that point of view it will be more beneficial if the matter is postponed. Members will thus get sufficient time to master both the reports.

**Mr. Mukandi Lal:** So far as I am concerned and I think Dr. Ganesh Prasad will agree with me, we risk our chance and are prepared to postpone discussion on the matter, until the first non-official day in April when we may table a resolution.

**The Hon'ble the President:** In the these circumstances I will pass on to the next item on the agenda paper.

## THE BUDGET, 1925-26.

## GENERAL DISCUSSION.

**Mr. H. David :** It seems to me that the privilege of the oldest man of the Council is to speak first. I find that the speech of the Hon'ble the Finance Member is the text and the memorandum of the Finance Secretary is a commentary interspersed with strong assertions. I will now take up the development loan first. In 1924-25 it was reduced to 151 lakhs owing to an overdraft for expenses on account of general administration. I now find that in 1925-26 it is to be further reduced by no less than 134 lakhs. What I would like to know is what is the present balance in the coffers of the Government out of the development loan of about four crores. That is the first thing Sir. In reference to Excise I am really surprised to find that the Finance Member still expects to realize no less than eight lakhs in the next year. In the current year the only increase was about four lakhs from hemp and drugs and drop of about 10 lakhs in liquor, and so on. In spite of that I find that the Hon'ble the Finance Member has budgeted for an excess income of no less than eight lakhs under Excise.

**Mr. E. A. H. Blunt :** Six lakhs only.

**Mr. H. David :** I doubt very much whether his expectation will be realized and the public are anxious to know the grounds on which he has based his expectation for such a large excess in receipts under that head.

I find that Education will get more next year than what it got during the current year. This is, no doubt, very good, but it should be remembered that it takes away a very large slice of the income of the province. In fact it is the largest spending department of the Government. Though there is an increase in expenditure under this head, yet no provision has been made for any expenditure that may be necessary in connection with the creation of the Agra University. I have a grievance against the Education department and it is this that my community alone does not find any representation on the inspecting staff of this department. There was a time when the Indian Christian community was represented by an Inspector, but during the last ten years there has not been a single Inspector of Schools or even an Assistant Inspector from this community. It is certainly a grievance. It is a pity that in spite of there being numerous headmasters, no effort has been made to recruit any Indian Christian to serve in the Inspecting department. When I turn to the Police department I find the same tale. This is a department which does not offer any encouragement to the educated Christians. It was about 40 years ago that of Indian communities the Christian community was the first to be represented in that department as an Assistant Superintendent of Police. He died perhaps 30 or 35 years ago, and since then not a single Christian has been raised to the position of Assistant Superintendent or Deputy Superintendent and no effort whatsoever is made to recruit candidates for this service from among the Indian Christians. I still hold the promise of that great man Sir James LaTouche. He was of opinion that recruitment for the Police department from the Indian Christian community should be more and more liberal and generous, as they are best fitted for that department. My object in bringing this forward is that the Hon'ble

the Home Member and the Inspector-General of Police may show some consideration to Indian Christians.

As for the Medical department, I find that the Public Health department has been negligent in the campaign of rat-killing. In spite of plague prevailing in the very city of the Minister of Industries, I find that the Minister of Public Health has not been taking sufficient interest in extirpating rats from Bulandshahr, Meerut, Azamgarh and Ghazipur. In fact, if my information is correct, little or nothing has been done during 1924-25 to root out the chief cause of plague. Then it is to be regretted that a steady disregard has been shown by the department to the claims of Christian institutions. Again and again I have brought up this question and these institutions have been slighted. I find that the Almora sanatorium receives only 30 per cent. of grant-in-aid from Government while the sanatorium at Bhowali gets a very large amount. The amount given to the Bhowali sanatorium comes to about Rs. 30,000 while the grant to the Almora sanatorium is only Rs. 3,600. I should like to impress upon the Minister in charge of this department that the head of the Almora sanatorium is an M.D. of London, and that the sanatorium is open to all and not only to Christians. A very large number of patients, Hindus and Muhammadans, go to that institution and they find it extremely difficult to provide medical relief to these persons with the very limited resources at their command. Perhaps it is not known to the Hon'ble Minister that the resources of missionary societies have been very much crippled and they do not find themselves in a position to help such a charitable institution which is intended for all, and then intended for whom? For the females exclusively. I have known instances when female patients from Bhowali have left that place and gone over to the Almora sanatorium. Then I find that in this very city of Lucknow there is another missionary institution known as the lady Kinnaird hospital where the Government grant is simply negligible, it being only 5 per cent. of the cost. The head of the institution is an M.D. assisted by a large number of nurses and it brings relief to a large number of female patients, gives them shelter and also food to the needy. The Government has not the heart to give them a grant of more than 5 per cent. I think this is certainly reprehensible. On these matters there can be no question of communal interest but the interest of humanity and therefore I think an institution which is for the good of all deserves more help.

It is very unfortunate for the Hon'ble the Finance Member to start with a deficit budget, but at the same time he seems to be quite resourceful; he does not feel any hesitation in going to the Government of India and asking for a loan. No less than about 60 lakhs have been asked for in order to help the municipalities of such flourishing towns as Allahabad, Cawnpore and Lucknow. He does not feel the least compunction in going to the Government of India for a loan and passing it on to these municipalities. That is generosity which may or may not be commendable, but certainly under the circumstances a grant of over two lakhs to the Lucknow municipality for the purpose of repairing roads seems to me over-generous. It is not that I have any sort of feeling against Lucknow, but it seems to me very improper that this province should go about asking for a

[Mr. H. David.]

loan from the higher Government in order to give it away for the purpose of repairing the roads of Lucknow for the use of such people as drive in motor-cars without paying any taxes.

With these few remarks I do think that the budget will find some sort of help from the Council.

**Hafiz Hidayat Husain :** Now, Sir, the floods alone will cost us about 104 lakhs. Would it not have been equitable if the Government of India had remitted to us at least a crore of rupees to meet this extra call on our resources? The proposition that we should be compelled to finance the all-India services in order to make them more and more attractive and still that we should not be allowed to take away our surplus income is to my mind most discouraging, and I think the Government of this province should enter a strong protest against the unjust and iniquitous treatment that even now has been meted out to us by the Government of India. Now, Sir, on account of this treatment there is palpably a lack of funds and therefore it is impossible for us to meet costs that should be incurred in nation-building departments. For example, there is the slow rate of expansion of elementary education—it is due to this. Then, Sir, His Excellency Sir Harcourt Butler propounded a scheme of technical education in 1922 and that has been handicapped for want of funds. Then the Government of this province proposed opening an Indian Medical College somewhere in Bareilly and that has been given up too for the present. For the eastern districts they wanted to open an agricultural school; that too has been given up. Then private enterprise has not been encouraged sufficiently for this very reason. There are several other things, for instance, the Board of Communications the Board of Industrial Loans, they have no funds and consequently these nation-building departments have had no work to be financed at all. And therefore I repeat that the Government of this province should enter into a very strong protest against this treatment of the Government of India. Now, Sir, turning to some of the transferred departments, I will first address myself to the Education department. I am gratified to find that the Education department has got Rs. 8,24,000 for new expenditure, altogether in round figures, this department will have about Rs. 1,63,00,000 for spending. I regret to find that compulsory education has made no headway so far, although the Government has enacted the Female Education Bill and the Primary Education Act, but still not much use has been made of it. I would, therefore, ask the Hon'ble the Education Minister to ask the municipal boards the reasons why this Primary Education Act has not been freely resorted to; I am concerned more with the primary education of the Muslims. I will not take you to the history of the primary education of the Muslims, I will confine myself for the present to the famous resolution of Sir James Meston's Government of 1914. Under that resolution the Government undertook to provide the expenses of any school where twenty boys were available for schooling. Now, Sir, I asked for information last December and it was vouchsafed to me that in 1923-24 Rs. 3,35,000 had been ear-marked for Muslim education. In 1924-25 Rs. 3,40,000 has been provided. Except, Sir, in Oudh, in the Meerut division and partially in the Jhansi division, there has been reduction of expenses throughout. The explanation was given to me by the Hon'ble Minister last January and it was pointed

out that the Government does not give any separate demands for primary education—the boards are required to spend a certain amount of money for Muslim primary education. Now, Sir, analysed, it comes to this that we have got to confine ourselves to the money that was spent in the previous year, that is to say, it is in the very teeth of the resolution of 1914, in which it was stated that the Government would always be willing to find money where 20 or more students could be found. The result has been that in several places, for instance, in Fatehpur district, in Cawnpore district and in Etawah district schools are closing down for lack of funds. The reason is obvious. The board says, and pertinently too, that we have so much money to spend, and now we are actually spending more, therefore some of the schools must close down. I therefore submit to the Education Minister to follow the spirit of the resolution of 1914 which was couched in very liberal terms and which gratified the Muslim community to the small extent to which it went. Then, Sir, with regard to this Muslim primary education I have got also to submit to the Hon'ble the Minister and the Director of Public Instruction that the inspecting agency is not adequate. There ought to be many more deputy inspectors and every district at least should have one sub-deputy inspector to inspect Muhammadan schools—otherwise the result will be that not only will the resolution of 1914 not be carried out, but there will be great difficulties in the way of the boards, and even for Government to surmount. I may refer here, Sir, also to the paucity of Muslims in the various bodies of the universities and also in the Intermediate and High School Board. I do not say that the Muhammadans should have the monopoly, I do not say that any and every Muhammadan be taken, but I do say that experience has shown that on past occasions Muhammadan educationists have been ignored and I submit therefore that it will be for the welfare of the Education Board, it is for the welfare of the universities, that Muhammadan educationists and persons interested in Muhammadan education be not ignored.

Now, I come to the rural water-supply and village sanitation. These two subjects have been brought to the attention of the Government on the last occasion. It is my experience that whenever there is a prevalence of epidemic disease the people of villages feel so hopeless and so helpless that it is impossible to save them. There ought to be improvement in village sanitation and improvement in rural water-supply, and there ought to be dispensaries for villages, and I would prefer dispensaries which should give Unani and Ayurvedic medicines. While at this, Sir, I may also be permitted to draw the attention of the Government to two resolutions that have been passed, one by the Hindu University and the other by the Allahabad University. It was unfortunate that my friend, Mr. Babu Lal, was not allowed to move his resolution with regard to military training, but I think, Sir, that for the welfare of these provinces, for the welfare of the rising generation, it is absolutely essential that military training in its best sense should be given to Indian students. I suppose, Sir, that at the next meeting of the Muslim University Council a resolution to the same effect is going to be passed.

Now, Sir, I come to the Department of Excise. Last year I advocated the total abolition of excise revenue. It appears to me, Sir, that improvement in excise either in the form of total abolition or in the

[Hafiz Hidayat Husain.]

form of virtual restriction is a problem which has been discussed; that is to say, Government is attempting not to have total abolition simply because it gets so much money. I quite sympathize with that idea, but I would insist that gradual abolition must be the course. Lately the Government appointed a committee to inquire into the policy of Excise administration. I was privileged to be a member of that committee. I am grateful to say here that there was no interference whatsoever with our deliberations. We were allowed to deliberate on excise matters in the best way we liked, and our report will shortly be out. But there are one or two suggestions which I should like to make on the floor of this House. The first suggestion is that on holidays all the liquor shops should be closed. It is a great temptation, particularly on days like Holi and Dewali, for labourers to resort to liquor shops. They spend large sums of money on liquor; they spend their savings at the liquor shops, with the result that they get pauperized and get into debt. Therefore I suggest that liquor shops should be closed on holidays and on festive occasions. My second suggestion is that foreign liquor should be further taxed. I am aware that it is already sufficiently taxed, but I think that it should be further taxed. The other point that struck me with regard to this excise policy is this. To my mind it is a wrong policy to curtail the personnel of the inspecting agency, because experience has shown that with less inspection people are led to take to illicit distillation, and illicit distillation undoubtedly costs a good bit both to the Government and to the people. We have already raised the duty; we cannot raise it still higher. What is the result? The result is that people take to illicit distillation not for the purpose of consumption but for the purpose of trade. Therefore it is a good policy not to curtail the inspecting agency. My second point in this connection is this. I would like to say that Deputy Collectors and Collectors should have nothing whatever to do with the Excise department. The department should be entirely under the control of the Hon'ble Minister and Excise officers. The Collector is a revenue officer and as such he should have nothing whatever to do with the department. The Deputy Collector is under the Collector and as such he should have nothing to do with the Excise department.

**The Hon ble the President:** The honourable member should bring his remarks to a close now.

**Hafiz Hidayat Husain:** I shall take only two minutes more, Sir. I now refer to the co-operative societies. One cannot deny the great benefit these societies have been to these provinces. Lately, a tendency is noticeable by which some of the applications have been rejected.

Lastly, I wish to refer to the Agricultural department and roads. The question of agricultural education and the conservation of the manurial resources ought to be the primary concern of the Hon'ble Minister of Agriculture. Coming to roads, an answer was given to a certain question that certain roads were under the control of the district boards and that the Government will not interfere. It is perfectly true that we should interfere with the policy of district boards as little as possible. But roads are very important things and there ought to be a policy of co-ordination and there ought to be policy of supervision.

One last word with regard to the Industries department. The industries of these provinces have not had that impetus which they should have had from the Government. I hope that in future years our industries will progress and there will be further improvements in the nation-building departments to which I have referred.

**Babu Nemi Saran:** I do not intend to dive deep into the sea, of heavy figures so ably marshalled by the Finance Secretary, firstly, because I do not pretend to be a financial expert in that way and, secondly, because I feel that such a criticism would be of little avail. Sir, a votable budget with an irresponsible executive, rather an irremovable one is an anachronism and a constitutional mockery. We find that a very considerable portion of the budget is non-votable not only by this Council but also by this Government, because the policy underlying these figures is beyond the control of the Government itself. We have got the provincial contributions, we have got the salary of the Imperial Service men, and we have got many other such charges which we are not asked to vote upon and over which the Government itself has got no control. We have just seen how the Lee Commission, over and above the head and the unanimous wishes of the people of this country, has imposed a certain expenditure on our revenues which in the present state of our revenues we cannot afford to pay. But dare we say a word against it? It is beyond not only our control, but also, as I have already said, the control of the Government itself. As far as the reserved departments are concerned our criticisms will be like the wail of a mendicant, at the absolute mercy of the master of the house and I do not think that such criticisms are going to mend or influence the policy of these departments.

Then there are the transferred departments, which, no doubt, to a certain extent can be rightly called responsible to the legislature. But the position of these departments in itself calls forth sympathetic treatment, for their position is not very happy. The Hon'ble Ministers being under the control of two masters with diametrically opposite views and sentiments can hardly be expected to satisfy either of the two. But any way, even if I may dare to make certain criticisms of these departments, the imploring looks of the Hon'ble Ministers which mean, or rather signify to me a willing heart, but a helpless hand are more than a match for my humble criticisms. Sir, labouring under all these drawbacks I think it is very difficult for me to enter into a detailed criticism of the budget and the figures contained therein. But I would not allow this opportunity—as you once called it, a relic of old times—to pass without letting the House know what I do think of this budget and without placing some of our grievances before the Government and the House. Sir, when we go through the budget and the statement of the Hon'ble the Finance Member we find that the whole thing is writ large with one word and that is the “floods”. This calamity—an unforeseen calamity beyond the control of any human being—has told heavily upon the revenues and upon the prosperity of the budget. The Hon'ble the Finance Member can rightly disown his responsibility regarding these floods. But, Sir, to my mind based on Hindu convictions, I can hardly assent to that position. I think, and I rightly think, that the King or any Government for the matter of that, can hardly claim immunity from its share of responsibility of these and such other calamities which befall his

[Babu Nemi Saran.]

realm. I think the couplet or the sloka which appears in the Valmiki Ramayan will support my view—

राजं दोषैर्विपद्यन्ते प्रजास्य विधि-पालिता ।

असद् वृत्तेऽहिनृपता वकाले प्रियते जनः ॥

I will just say what it means. It means that the subjects, the ill-governed subjects of a bad and tyrannical monarch do suffer with these misfortunes and calamities owing to the sins of their king and the subjects of such a monarch do die an immature and untimely death. Sir, I think it will interest the House to know that when such calamities did happen in the old times of the kings of yore, then the kings themselves openly told the public that really there was some defect in the Government (i.e., in their rule) and hence they voluntarily suffered penances for that and they did all sorts of things that they were advised to do in order to avert these calamities ; and I think an illuminating example of this is of Maharaja Janak who, when there was a famine and scarcity in his kingdom, ploughed the fields with his own hands in company of his queen. I think these floods have a lesson of their own, and from my point of view the Government should take lessons from that. It means that God is not pleased with the present form of the Government and it is high time that the Government should see their way to change it to a better form before it is too late, as it was in the case of *Kans*. Now, Sir, the budget figures show, if we examine the composition of the opening and closing balance, that we have spent Rs. 1,34,35,000 to cover our accumulated deficit in the revenue from other funds, that is, the Development Loan Fund and such other funds ; and if we add to this the interest for two years for the Sarda works, which we have been paying for the last two years from the Famine Insurance Fund, it comes to Rs. 2,40,26,000 which is really an alarming figure. I think that position from a business man's point of view is certainly not one which can be looked upon with equanimity. Withdrawals from these funds for liquidating deficits in the revenue, is not the right policy, but rather the Government is committing an offence against the canons of finance. Here I may draw the attention of the Government to one point. For the last two years they have been paying interest on the Sarda Canal from the Famine Insurance Fund, and the result is that today we find that only Rs. 11,92,000 is left in the Famine Insurance Fund for the next year, that is, from the budget estimate ; and if we add to this Rs. 11,92,000, our contribution of Rs. 39,60,000 for 1926-27, we find that we shall have Rs. 51,52,000 in the Famine Insurance Fund for 1926-27. We do not know how the Government will manage to pay out of this the interest on the Sarda Canal which will fall due next year and other charges connected with the Famine Insurance Fund and Famine relief. To my mind this policy of diverting this fund to pay off this canal interest was designed to put off the evil day. But the question is how long would it be able to put it off ? Next year perhaps the Hon'ble the Finance Member shall have to devise some other means, for this fund will have been nearly exhausted to pay for that account. Now, Sir, there is another thing. I find that a certain sum is proposed to be taken on loan and one of the objects of that loan is to purchase a bridge. I do not pretend to be a financial



expert, but at least as an ordinary business man with the little capital which I have got, I think to embark on such enterprises by loans is not the right policy. The only redeeming feature in this budget seems to me to be the remission of 56 lakhs which the Central Government is going to make and which the Hon'ble the Finance Member had foreshadowed in his statement when presenting the budget. Now, I think, when he gets this money he will not press the Council to vote for the Stamp Bill and he would at the same time not be forced to obtain that loan which he intended to obtain from the Government of India. But anyway these 56 lakhs is not a sufficient remission. I think if we go on pressing the Central Government for relieving us of our contribution, we may have the whole thing remitted in the near future, and then I think our finances will be on a sounder basis than they are now.

Here I want to make one or two observations regarding the presentation of the budget which has been presented to us. I do not know whether I can find the figures which I want in the budget, but as far as my search for them goes, I have failed to find them. I think that for the convenience of the honourable members of this House certain figures should have been given in a more abstract form than they are given at present. For instance, I wanted to have an abstract account of the Development Loan, of the loan between the Government of India and this Government, the irrigation outlay outstanding against our province and the Famine Insurance Fund, showing what is the outstanding balance in each fund and for what purposes the money which was borrowed or which was transferred to these funds has been spent and what is our position in regard to these four funds today.

Now, Sir, I turn to another part of the budget. After going through the whole budget very carefully I find that the budget is more or less a budget for the class rather than a budget for the mass, a budget in which the urban population is favoured at the expense of the rural population. I have gone through the details of each head and tried to find out how much is spent for the benefit of the rural population which pays the greater portion of the revenue of this province. If you take the Medical department, you will find that the poor man of the rural area is hardly benefited by it. The large laboratories and dispensaries with very efficient doctors who charge sufficiently high fees are a luxury for the rich rather than a necessity for the poor, and the poor man can hardly dream of ever getting any benefit out of these costly luxuries, as I put them. We already know those of us who have got to deal with villagers that thousands of those poor men die of epidemics and such other diseases for want of due care and for want of proper medicines. Then if you look to the Public Health department you will read the same tale there. You can very easily have your sanitary inspectors and your other establishment to pull on the department, but if you just go to a villager and ask him what benefit he gets from this department the existence of such a department will perhaps be news to him and he will say in wonder:—"Well, is there any such department in existence and is that meant for us?" I think the existence of this state of things is not only due to the negligence of the Government, but we the non-official members are also responsible for it to some extent. Then, Sir, if you go to the Education department you will find that every time we are bringing in one proposal or another for having a university so that we may have more colleges and universities. But primary education, which is the primary duty of the State to give,

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is being neglected for the expense of these universities. Whenever we want extension of primary education in rural areas—the other day we wanted compulsory primary education in rural areas—we are told that the Government, although accepting it in principle, yet cannot find funds to put it in force. Well, I say that you have got funds for universities, you will have funds for the Agra university, which it is understood will shortly come into existence, but you have got no funds for compulsory primary education. If you just pass on to the Agriculture department, which is more or less connected with the agriculturists, you will read the same tale there. Here, too, you will find the misery of the poor man's fate written therein. I think the Hon'ble Minister in charge, who is just smiling on my remarks, perhaps holds otherwise, but I would like to know from him how many poor tenants have been benefited by his department. Is, again, this department not meant to be used by those capitalists who can afford to have a tube-well and engine and a farm on a big scale. As far as my district is concerned, the poor villagers find it of very little interest. If they seek the help of the department they are told that they will have to spend such and such a sum of money. The poor people find it of no use because they have not got the necessary capital.

I need not discuss the Industries department, because the very word "industries" means the necessity of some sort of capital. I come now to the department of Administration of Justice. "Justice" is a word from which the poor get some sort of relief. But what is really the state of affairs? If I may be allowed to enlighten the Council, it has become proverbial with the poor to say that there is no law for the rich and the influential. Sir, the administration of justice has become so costly that the poor can hardly find money to get it. When I say this I am not casting any reflection upon anybody. They cannot appeal to the High Court and to the Privy Council. They have not got the money to pay the stamp fees and the pleaders' fees. Administration of justice in the old days of India was the thing in which the Indians did really take pride. There were no stamps and no court fees. The poor people were given the best available justice without spending much money. We wanted a Chief Court and the other day we have been given one with original jurisdiction. It has burdened the shoulders of the tax-payers with another one or two lakhs. This original jurisdiction was wanted for satisfying a class only. Will the poor men be benefited by it? Will the poor men care whether it is a Chief Court or a Judicial Commissioner's Court or whether it is amalgamated with the High Court? The establishment of a Chief Court here is more a matter of sentiment than of necessity. Sir, after all, this whole is a sad story of the division of the spoils between the British exploiters and the classes that count, and the poor masses can hardly dare to go between the two.

As my time is already up, I wish to say a few words about retrenchment. It appears from the statement of the Hon'ble the Finance Member that all that could be done has been done in the matter of retrenchment and I quite agree with him on this point. Can you touch any of those colossal departments or services which really do count as far as money is concerned? If not, what is the use of slaughtering certain Indians—the sons of the soil—for the sake of paltry sums? All the saving

that could be made by such petty retrenchments has been wiped out by one stroke of pen of the Lee Commission, and dare you utter a word of protest against it? Then it is no use talking nonsense about retrenchment or economy. Let us leave these questions alone, and rest content with our fate which made us slaves, for, after all, this talk is all a wail of the mendicant—as I had said in the very beginning.

**Nawab Muhammad Yusuf:** I rise to congratulate the Hon'ble the Finance Member on the lucid, straightforward and convincing statement that he has presented to the House. His masterly survey of the finances of the province and his solicitude for the transferred departments, which is very much in evidence in the statement, bear testimony to the fact that he is one of those few Finance Members who are fully alive to their primary duty of helping the transferred departments and are gifted in art of lucid expression. I cannot fail to congratulate the Hon'ble the Finance Secretary also, who has so ably prepared the budget. He is a great asset both to the Government and the Council. Ever since the inauguration of the reformed Council he has been of the utmost help to us.

Coming to the budget, I may say that it is really a flood budget. The total loss of revenue account of the floods is Rs. 35 lakhs. The cost of repairing our damaged canal works, our roads, bridges, and buildings and of assisting district boards to restore similar damages will be some 59 lakhs. The cost of relief whether by direct grants or by taqavi advances will be nearly 33 lakhs. The total burden imposed on the province is thus about 127 lakhs, of which some 75 lakhs falls on the current year, and some 52 lakhs on the next year. And since out of this sum probably some 33 lakhs at the most—taqavi and suspended revenue—is recoverable, the final and irretrievable loss is 94 lakhs. In this connection I cannot fail to recall the unjust treatment that has been meted out to us by the Government of India. We have been given a remission of only Rs. 56 lakhs, which is hardly sufficient to wipe out the total loss of 94 lakhs on account of the floods. It is a pity that the Government of India should regard Bengal as a favoured province, for I find that they have granted this province a remission of 63 lakhs for a period of three years. Punjab has also been granted a remission of 61 lakhs. I do not know really on what basis these remissions have been calculated by the Government of India. Our province stands in great need of money for the transferred subjects, for the purpose of balancing our budget, for the purpose of giving relief to those who have been ruined and rendered homeless by the disastrous floods, but the Government of India have not thought fit to give us remission of even a crore, which is the least we expected from the Government of India. No doubt this remission of 56 lakhs has to some extent brought relief to us as we find that probably we may be allowed some more money for the transferred departments. I would request the Hon'ble the Finance Member that if he is going to introduce the Stamp Bill, to give the whole of this sum to the transferred departments, nation-building departments, specially education, industries, agriculture and public health. Coming to the administration of justice, I strongly feel that the judiciary must be strengthened. Unless we strengthen the judiciary we cannot efficiently and speedily have cases disposed of in the best interests of the people of this province. We are aware that the work in the High Court is so heavy at present that even nine judges

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cannot cope with the work that they have got before them. There are a large number of appeals, first appeals and second appeals, to be disposed of which form very heavy arrears indeed. To my mind, Sir, unless we have nine permanent judges and two additional judges it will be a physical impossibility to clear off the arrears and to speedily dispense justice to the people. Passing on to education, Sir, I would say that so far as the higher education is concerned we know that we have got the Allahabad University, the Lucknow University and we are going to have the Agra University. We are grateful to the Hon'ble the Finance Member for allotting another Rs. 8,24,000 for higher education. In spite of the fact that there is a great stringency of finances he saw his way to allot this small sum for the higher education. But I say, Sir, that even whole of the sum spent would not adequately meet the needs of the higher education. We would like to have more laboratories and would like to have much better equipped libraries and museums for the students to carry on research work. Coming to the secondary education, we find that there are 14 intermediate colleges and schools. I am not aware if the number has since increased. I feel that these secondary schools suffer from lack of laboratories and necessary equipment, and it has been often said by the educational authorities that the principals of intermediate colleges are likely to give more time to senior students than to junior students. Combination of the junior and senior classes is not looked up with favour by the educational authorities and I hope steps will be taken to remove these defects and larger amounts of money will in future be spent on secondary education with a view to bring it up to the level required. Coming to the primary education, I find that there are eight municipalities which have introduced compulsory primary education.

**The Hon'ble Rai Rajeshwar Bali:** Not eight, but there are eighteen such municipalities.

**Nawab Muhammad Yusuf:** I am very glad to hear that there are eighteen municipalities in which compulsory primary education has been introduced. Up to the last year there were only eight and it is gratifying to know that the number has gone up to eighteen. We hope the time will soon come when we will have compulsory and free primary education in every municipality. If we cannot have compulsory education in every municipality, we cannot solve the educational problem of this province and we cannot make appreciable progress in order to take larger share in the administration of the province. I hope the Hon'ble Minister of Education will, as regards the primary education, see that compulsory and free primary education is introduced in all the municipal and district boards. The only argument that may be urged against this is that there are not sufficient funds available for this purpose. I fully sympathize with the Hon'ble Minister, but I would assure him and the Hon'ble the Finance Member that we shall be prepared to tax ourselves further and do anything that lies in our power to provide funds for the compulsory primary education in case it is found that such measures are necessary.

Sir, I have also felt that our community does think that the representation of the Musalmans in different self-governing bodies of the

university is not adequate. We think that at least 30 per cent. of the seats on these educational bodies should be given to us. I know that this difficulty is due to a defect that has crept into the Act itself, but I hope we shall soon be able to bring forward amendments which, I hope, will receive ready acceptance on the part of the Government.

Then, Sir, coming to the Industries department, I find that there are not as many industrial schools as we require. There ought to be at least one school of industries in each district, but if the Hon'ble Minister of Industries cannot give one industrial school to each district, he ought to give us at least one school at the headquarters of each division. That will be a good beginning indeed, though small. This will give us an opportunity of making experiments and judging the working of these schools. I know that Rs. 49,000 more have been allotted to industries, but this is a paltry sum and cannot carry us very far. If you want to improve cottage industries, if you want to help pioneer industries, then a much larger sum will be required, and that sum can only be had either by remission of our contribution to the Central Government or probably by tapping other sources of revenue.

Coming to agriculture, we find that irrigation arrangements are not adequate. A larger number of canals, channels, etc., ought to be made and more money provided for them. I feel that there ought to be at least one agricultural school in each district with a farm attached to it, but in view of paucity of funds I would suggest to the Hon'ble Minister of Industries and Agriculture to have at least one school of agriculture in each headquarters of the division. That would certainly be a step in the right direction and will go a long way to satisfy our needs.

Coming to medical relief, I find that this year only Rs. 51,000 has been added to the expenditure. This again is a very small sum indeed, and I feel that, unless the cheaper Unani and Ayurvedic system of treatment is introduced, we cannot really solve the problem of medical aid specially in the rural areas—not to mention the aid to the masses generally. I hope the Hon'ble Minister in charge of the Public Health department would evolve a clear-cut and well-thought-out scheme and try to push it through as early as possible.

Coming to Public Health, we find that Rs. 2,95,000 have been added further to the expenditure that is being incurred. This again is a small figure, having regard to the importance of public health to our provinces not to mention the whole of the country.

Coming to Excise, I am very glad to find that there is a fall of revenue to the extent of ten lakhs and that the Hon'ble the Finance Member has not grudged that fall in spite of the fact that it means a decrease in the revenue.

Passing on to the Forest department . . .

**The Hon'ble the President:** The honourable member is exceeding his time.

**Nawab Muhammad Yusuf:** I will just finish my speech, Sir.

Passing on to the Forest department, I find that Government has not laid out money in a businesslike fashion. I hope, in future, Government would invest money only in such schemes as may give good and quick return and, as I have already pointed out, work the department in a businesslike spirit.

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As I have no time at my disposal, I will conclude my speech by once more congratulating the Hon'ble the Finance Member for the able and instructive statement that he has given us and I hope that he would not regard it as his duty now to raise a loan of 43 lakhs from the Government of India in view of a remission of our contribution by the Government of India to the extent of 56 lakhs. I also hope that the Hon'ble the Finance Member will soon see his way to give effect to the scheme of the separation of judicial and executive functions.

**Pandit Nanak Chand:** The financial position as disclosed by the budget presented by the Hon'ble the Finance Member is not rosy and hopeful; the situation is rather critical from the financial point of view, as is evident from the fact that the Finance Member had to put forward a proposal to incur a loan of 43 lakhs from the Government of India for meeting expenditure which ought to have been met from the general revenues. I am aware that the Finance Member will not have to incur this debt from the Government of India in view of the remission of our contribution to the extent of 56 lakhs by the Central Government.

Coming to the details of the budget, I would draw the attention of this House to the amount of money that was diverted from the United Provinces Development Loan. It has been diverted to the extent of Rs. 1,34,35,000. In past years Government on account of financial stringency has misapplied the United Provinces Development Loan in order to meet expenditure which ought to have been met from the general revenues to the extent which I have just indicated and so far no scheme has been put forward to show how it is proposed to wipe off this overdraft. This represents a part of the accumulated deficit.

Coming to the most lamentable feature of the current year, that is the floods, they have in one form or another taxed our province to the extent of Rs. 1,27,00,000. Out of this, 33 lakhs have been distributed by way of takavi loans. These loans are recoverable; the rest, that is 94 lakhs, is such that most of it will not be recovered. I am aware that this includes a part of suspension of revenue which may be recovered or may have to be still further suspended in view of the unsatisfactory state of the *rabi* crops in the affected places. This amount necessitated by disastrous floods ought really to have been met out of the Famine Insurance Fund, but on account of the arrangements which were introduced last year the Famine Insurance Fund has been depleted and a large amount of this unexpected expenditure and loss in revenue and irrigation rates had to be borne by the general revenues.

Coming to the third point, we notice that the minimum closing balance which ought to be at the disposal of the Government for meeting the supplementary estimates during the budget year and also for meeting any other emergencies has gone down to a very low limit, and I certainly would agree with the Hon'ble the Finance Member that it should not go below 25 lakhs. At present according to the forecast of the Hon'ble the Finance Member it would amount to 15 lakhs on the basis of getting a loan of 43 lakhs from the Government of India. Now Sir, as I pointed out that on account of the new arrangements a considerable amount of the Famine Insurance Fund was diverted to some

new items of expenditure. The rule governing the Famine Insurance Fund is as follows :—“ The annual assignment shall not be expended save upon the relief of famine or the construction of protective irrigation works or other works for the prevention of famine. Any portion of an assignment which is not so spent shall be transferred to the Famine Insurance Fund of the province.” The annual contribution that the Local Government has to make to this fund under the Devolution Rules is 39 lakhs and 60 thousand and this amount has under the rules to be suspended or reduced when the Famine Insurance Fund comes up to six times the annual contribution. But last year the Government thought that the province will not require such a large amount as six times the annual contribution and they thought of diverting a part of this head to other heads. The result has been that when the Government were confronted by the situation created by the unexpected disastrous floods the Government could not meet the legitimate demands arising out of this calamity from the Famine Insurance Fund which ought to have been met from this fund, namely, the direct relief, which includes the remission of revenue and gratuitous relief to the affected people. The new items of expenditure which have been met from the Famine Insurance Fund are (1) the working expenses for the protective works which during the current year were budgeted to amount to 8 lakhs and (2) the Government also decided to pay the interest on Sarda irrigation works from this fund amounting to 50 lakhs. Thus we find that during the current year new charges of about 48 lakhs were met from the Famine Insurance Fund. For the budget year it is again proposed to meet out of this fund a little over 8 lakhs on unproductive works and about 56 lakhs on interest on irrigation works. So this new charge which is proposed to be met from the Famine Insurance Fund comes to about 64 lakhs during the budget year, in other words, it has gone up by 6 lakhs, as compared with the present year. The total amount that has thus been met from the Famine Insurance Fund during the current year and which it is proposed to be met during the budget year will amount to Rs. 1,22,01,300. The amount of the Famine Insurance Fund left in the closing balance after meeting these charges will be 12 lakhs only. Now if we add to the annual contribution that will be made at the time of the next budget the total will come to Rs. 51,00,000. Now out of this Government will have to set aside about 20 lakhs for loans to agriculturists and allowing another 5 lakhs for other charges like famine relief and famine surveys, etc., there will be about 26 lakhs left in this fund and out of this Government will have to meet the interest on the Sarda irrigation works and if we make an allowance for the amount of additional interest that will become due on the capital outlay on Sarda works during the next year, I expect that this interest alone will amount to something like 70 lakhs. So the Government cannot depend upon the Famine Insurance Fund to meet this interest on irrigation works. I submit, Sir, that this diversion of the Famine Insurance Fund to the Sarda works was not justifiable. I am aware that it is maintained by the Government that Sarda works are protective works. I admit that it is protective in a sense if we stretch the meaning of the word protective to an unusual limit. If the Sarda works are to be treated as protective then every other system of irrigation works whether it be the Ganges canals or the Jumna canals becomes protective and no irrigation works will be left to be classed as protective. I maintain

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that this interest on the Sarda works outlay should not be met from the Famine Insurance Fund. At the same time the working expenses on protective works ought to have been met from general revenues and should not have been met out of Famine Insurance Fund. The diversion of the fund to these heads defeats the very purpose for which the fund was constituted and has in the course of two years led to its almost total extinction.

I am afraid there will be nothing left for future emergencies to meet charges legitimately debitable to it, i.e., charges for direct relief. Besides, this diversion of the Famine Insurance Fund to such heads conceals the real nature of the financial condition of the province from the Council; and it cannot help in warding off of the evil day indefinitely. In two years we have practically extinguished the whole Famine Insurance Fund and the Government were reduced to a position where they could not meet the charges necessitated by the floods from this fund, which ought to have been met from that fund and which should not have been allowed to fall on the general revenues. There are only two solutions to meet this critical situation of the province. One is to increase the resources, and the other to curtail expenditure. My honourable friend, Nawab Muhammad Yusuf, has just remarked that he is ready to go in for fresh taxation. But I would challenge his optimism by quoting the Hon'ble the Finance Member, who in his Financial Statement stated that the "revenues" of the province are "highly inelastic." Therefore, this alternative does not very much help us. Another solution can be the remission of our contribution by the Central Government and it can be a substitute for the proposal for fresh taxation. I hope, Sir, that in the years to come we will not have to meet such an unexpected and unusual charge as we had to do during the current year on account of the floods.

Now, Sir, coming to the other point, about the Sarda works. In 1921, when the original scheme was put before the late Council it was pointed out that the income from the Sarda Canal would be at the rate of about 6 per cent.; but last year we were informed that the expected income was likely to deteriorate and would be much lower than 6 per cent. It was pointed out last year by my friend, Rai Bahadur Lala Sita Ram, who is absent today, that a committee should be appointed to scrutinize the expenditure of the Sarda works and to see as to why this expected income from the works is expected to deteriorate and also to go into the details of expenditure to see if there is any possible room for effecting economies and to curtail the expenditure on the works.

I now come to certain new items, e.g., the police buildings. I recognize that some of the police buildings are in a very undesirable condition and they ought to be re-built. But the estimate that the Hon'ble the Finance Member has placed before the Council is that they will cost about one crore of rupees and that their cost is going to be met from the loan. I beg to submit that the amount of loan should not be allowed to rise to a large figure, so that the interest due on the loan incurred for various needs may not overshadow the entire financial situation in future years.

As I have already pointed out the only other alternative to which we can look to in the absence of fresh taxation is the remission from the Government of India of the provincial contribution,



I hope, Sir, that the Government of India will realize our critical financial situation and increase the amount next year. They ought to have given us greater relief this year. Even if we get a larger amount of remission next year, we will have to provide a substantial amount to meet the interest on the Sarda irrigation works.

Coming to the economies that could have been made and ought to have been made by the Government, I would just draw the attention of honourable members that so far no effect has been given to the recommendations of the Commissioners' Committee. I will not be prepared to accept the explanation of the Government that it is not within the purview of the local Council or the Local Government to demand effect being given to the recommendations of the committee. If it had not been a matter of provincial concern the late Government would not have accepted to appoint a committee and would not have got this matter sifted and examined by that committee. The committee had come to a compromise and it was that five commissionerships should be abolished. No effect has so far been given to the recommendations of this committee.

Then there was another committee known as the Public Works Committee. It had recommended a reduction in the number of Executive Engineers and Superintending Engineers. No substantial effect has been given to the recommendation of this committee also.

The Economy Committee had recommended, for instance, in the Police department that the number of Deputy Inspectors-General should be reduced. They had also recommended that the cadre of Assistant Superintendents should be reduced. They had also recommended a reduction in the number of circle inspectors and the abolition of chaukidars. No effect has been given to these recommendations. I recognize that in the Police department certain changes have been introduced at the recommendation of the Police Reorganization Committee. But the recommendations of the Economy Committee have been absolutely ignored in these matters.

**The Hon'ble the President:** I would request the honourable member to bring his remarks to a close. He has been speaking for nearly half an hour now.

**Pandit Nanak Chand:** I will take only two minutes more, with your permission. In the Education department there were certain recommendations made by the Director of Public Instruction himself, e.g., a reduction in the number of Inspectors of Schools. Nothing has been done in that respect also.

In spite of the gloomy financial outlook of these provinces the Government has not protested against the recommendations of the Lee Commission and they have submitted themselves to this unjustifiable levy. Whenever we put forward any demand for the improvement of the condition of our subordinate or provincial services or when we ask for the improvement of facilities for medical relief or for the improvement of sanitation or means of communication, or for the extension and improvement of primary, secondary, agricultural, technical and industrial education or encouragement of cottage industries in rural areas we are told that the financial situation does not permit it. But, in spite of that financial stringency, which has seen so many good schemes of development departments

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and beneficial measures shelved, the Lee Commission's recommendations were given effect to without even a protest from the Local Government and no chance was given even to this House to have its say.

**The Hon'ble the President:** The honourable member is encroaching too much on the time of other members.

**Pandit Nanak Chand:** Just a minute, Sir, and I will finish. Coming to the question of Stamp duties, I think the conditions under which the Hon'ble the Finance Member wanted the Stamp Bill to be renewed are changed in view of the remission of contribution, and I hope that, unless the Hon'ble the Finance Member can give a guarantee that he will earmark the proceeds of this tax for some beneficial measures, for example, rural sanitation or extension of primary education or some such other measure, he will not press the Council to sanction this Bill.

The Council here adjourned for lunch.

After the adjournment the Deputy President took the Chair.

**Rai Bahadur Babu Vikramajit Singh:** We are very grateful to the Hon'ble the Finance Member and his very able lieutenant Mr. Blunt for putting in very hard and arduous work in preparing the voluminous budgets and for his very able notes in order to make the budget clear to the honourable members of this House. I think, Sir, that but for two calamities which have befallen the province this year, the budget would have been very well balanced. The first calamity is a God-sent calamity and the other is a man-sent calamity. The first calamity is a huge destruction and damage caused by floods and I think the Government has faced it very boldly, and we are grateful to the Government for all the relief measures they have taken and for the large sum they have provided for taqavi, namely, 33 lakhs of rupees. Of course, we find from the speech of the Hon'ble the Finance Member that there will be a net deficit, so to say, under this head of about 93 lakhs of rupees. Therefore, I think I am right in saying that unless there had been this calamity from the floods, we would have been in a much better position so far as our finances go.

The other calamity, I said, was a man-sent calamity, namely, putting a burden of 9 lakhs of rupees on the tax-payer for payment to the all-India Services under the recommendations of the Lee Commission. Of course, the Government can always say that it is not in their hands to lighten the burden of the tax-payer under this head as this has been done by the higher authorities. But I think the solution lies in the hands of the all-India Services themselves and considering that the provinces are very poor and the Hon'ble the Finance Member knows that it is very difficult to improve the finances, we might ask the all-India Services to be generous enough not to accept the improvement in their emoluments given by the higher authorities.

**Mr. E. A. H. Blunt:** Then there would be a third calamity.

**Babu Nemi Saran:** Charity begins at home.

**Rai Bahadur Babu Vikramajit Singh:** They ought to be philanthropic and patriotic enough not to accept it. I think, Sir, that the all-India Services, along with the other services, get a living wage and probably there will be no complaint that they are under-paid if

these fresh emoluments which have been granted under the Lee Commission's proposals are not accepted by them. I hope that as the Government has met one calamity boldly, the all-India Services ought to meet boldly the other calamity because we have got no control over them and we cannot in any way reduce this 9 lakhs which has been given by the Government or the higher authorities so as to lighten the excessive burden of the tax-payer.

Under this dark horizon we find a silvery lining and I want to congratulate my Hon'ble friend the Home Member for getting the fruits of his labours so soon. We find that the Oudh Chief Court has been provided for in the budget for the present year and his labours have borne fruit very quickly. I wish that other reforms too would bear fruit quickly in the same way.

In order to consider whether the budget is satisfactory from our point of view or not, we have to apply two tests. The first test is whether the top-heaviness of the administration has been in any way remedied. And the second test that I apply is whether beneficial objects have been sufficiently provided for. Now, Sir, with reference to the top-heaviness of the administration we find that that problem has not been solved. The cry of the Council year after year on certain matters seem to be a cry in the wilderness. On those points we get practically no relief. We are very much gratified to find that the Hon'ble Ministers have accepted a reduction in their salaries and have given up a very substantial amount. Would not the other highly placed officials in the same way follow suit and give up a portion of their salaries as recommended by the Economy Committee? The Economy Committee recommended that the salary of the honourable members of the Executive Council should be fixed at Rs. 4,000. Of course, we all know that this Council has no power to do it. We all know that probably the Government of India will not move in the matter and we also know that the Hon'ble the Finance Member or the Hon'ble the Home Member is worth even more than what the salary is. I mean, it is not that we say that they are not entitled to draw that salary, but the question is whether, considering the impoverished position of the country and considering that the Hon'ble Ministers too who were getting the same salary have accepted a lower salary, it would not be proper and desirable for them also to lay down a precedent for other people who have to come, by accepting a voluntary reduction in their salaries and thereby facilitating the work of the members of the Council who wish to reduce the top-heaviness of the administration. With reference to other offices which bear high salaries, the attention of the Council has already been drawn by my honourable friend, Pandit Nanak Chand to the fact that year after year we have been speaking in this Council about the reduction in the number of Commissioners. The matter has reached a stage at which some satisfactory solution ought to have been found by the Government because the committee which was appointed by the Government also came to a definite conclusion that the number should be reduced to at least one-half. Therefore we do not see why this reform and why this reduction in the number of the Commissioners should be delayed any longer. The Hon'ble the Finance Member will probably tell us that the matter does not lie in his hands or with this Government and that the matter awaits the decision either of the Secretary of State or of the Government of India. But I would tell him and the Government in all humility

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that if their recommendation is not half-hearted and if they take courage in both hands and stand up for this cause very strongly, I fail to see that the Government of India or the Secretary of State will not give effect to this recommendation, considering the position of the finances of our province and looking at all other points generally. Therefore this question can only be settled if the Government are in earnest about it and put their whole heart into it in the same manner as the non-official members of this Council show their keenness.

I might also be permitted to point out that the Public Works department Reorganization Committee recommended a reduction in the number of Superintending Engineers, and this recommendation was at one time accepted by the Government to a large extent, but it seems to have come to nothing. The Superintending Engineers have now become Deputy Chief Engineers. I fail to see what the four Deputy Chief Engineers are going to do. They have not got the complete staff of Superintending Engineers and therefore the whole thing comes to this that they are being retained unnecessarily in spite of the recommendations of the Economy Committee and the promise of the Government that they will reduce the number very soon. As this is a transferred subject, I would draw the attention of the Hon'ble Minister and would request him that this matter ought not to be delayed much longer and the burden of the tax-payer should be lightened to a certain extent by a reduction in the number of these higher posts which are really not wanted.

The Hon'ble the Finance Member has told us that nine lakhs of rupees have been provided for the all-India Services under the Lee Commission. We do not know what has been provided for the provincial officers under the Lee Commission whether there is any special sum that had to be provided for the provincial officers as well, whether they have been able to get a slice out of it or whether the whole thing goes to the all-India Services.

Therefore I think, Sir, that judging from these higher posts in which no reduction has been made, we can say that the top-heaviness of the administration has not been remedied in any way. Of course the Council had the power to reduce the salary of the future President, and it has done this. The Ministers have done this voluntarily, but the question is whether the officers of the all-India Services have done anything in that direction

We have next to see what the provision for the beneficial objects which are generally desired by the members of the Council is and whether they have been in any way sufficiently provided for. The first thing that always strikes us is the question of the separation of judicial and executive functions. No provision has been made for this reform. Not less than four years ago a committee was appointed by the Government, and the committee submitted its report which was considered by the Government and it appears that they also accepted the recommendations of the committee, and year after year we have been told that this reform will be given effect to very soon. In fact, when certain measures of taxation in previous years were introduced we were promised that if they were passed, a sum would be provided for with a view to giving effect to this reform. But so far

none of those hopes have been realized. The Council has therefore a right to express its dissatisfaction with the manner in which the whole question has been dealt with. In this connection I should like to point out that if the Government had really been in earnest and had taken proper steps in the matter, I have no doubt that this question would have been solved much earlier. We know that many things in which the Government took an interest, although they cropped up much later than the subject in question, have by now been satisfactorily solved; but it is very unfortunate that the question of the separation of judicial and executive functions, in which the non-official members and the public are equally interested, has not been solved hitherto. I would therefore very respectfully request the Government to take steps to see that this measure of reform is introduced in these provinces at as early a date as possible.

Again, in the matter of the technical and industrial education of the province, we find that no improvement has been made. My Hon'ble friend, the Nawab Sahib of Chhitari, when he was a non-official member of the Council like ourselves and was not a Minister holding a portfolio, made a speech in the Council which is reported in volume I, 1921, at page 575, from which it appears that at that time he was as anxious as any of us to multiply the number of technical and industrial schools. Here I should like to quote a few lines from his speech in order to remind him of his views on the subject, and to inquire from him whether during his term of office as Minister he has been at all able to carry out his own policy in that respect. He said :—

“ My gratitude to the Council would have been warmer if I had seen a bigger slice allotted out of the huge cake of revenue to our infant industries. Sir, it is needless to say that the necessity of industrial progress in this country cannot be exaggerated. It has even been said more than often that the industrial progress is as necessary, if not more necessary than, the educational development for this country. After all, what is the effect of education? It gives the masses a sort of consciousness, a knowledge of their social, political and economic conditions. Well, the two former ones, social and political, are not within the scope of industries. So I leave them. But the economic conditions are not good. It makes them gloomy and sad, which in their turn bring them discontent and dissatisfaction. It begets agitation and uneasiness. Now, it is clear enough that our economic conditions cannot improve unless we make headway in industrial and technical education. Therefore I earnestly hope that our Hon'ble Minister of Education and Industries as well as the Hon'ble the Finance Member will give their best attention to these problems, and in the next budget, at least within a year, they will see that they have done their best to improve the industrial conditions. ”

Now, will the Hon'ble Minister for Industries be able to answer this question satisfactorily; whether during his régime he has opened any new technical and industrial schools or has given any sufficient or adequate help to the industries, because it appears from his own speech that he was all for technical and industrial education and for improving the industries of the province? Now, Sir, just a word with reference to the opening of intermediate colleges. I find from the speech of the then Minister of Education that the Government had laid down the policy of

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having more and more intermediate colleges and also of helping other aided institutions to open intermediate classes. We have not seen if anything has been done during the last two years in that connection, nor do we find any further sum having been provided in the present budget for opening new intermediate colleges, and I would ask the Hon'ble Minister for Education if that policy continues or if that policy has been changed. I would rather like to have a declaration from the Hon'ble Minister on the future policy in connection with these intermediate colleges. While on the question of technical and industrial education I forgot to make a quotation from the speech of His Excellency Sir Harcourt Butler as to the policy which he had laid down with reference to these technical and industrial schools. He said while addressing the Board of Industries in the year 1921:—"As regards the technical and industrial schools Government's policy is to establish new schools and help private agency in doing so and to enlarge and reform the existing schools so as to produce more satisfactory results." I do not find that this policy is being carried out. There is no money provided for in the next year's budget for opening new industrial and technical schools.

**The Deputy President:** The honourable member has exceeded his time limit.

**Rai Bahadur Babu Vikramajit Singh:** Just two minutes and I will finish. I just wanted to draw the attention of the Hon'ble the Finance Member as to the necessity of civil court buildings in Cawnpore. I find in the budget that a sum of Rs. 20,000 has been provided for revenue and criminal court buildings, but I do not find that any sum has been provided for the civil court buildings. I think I am right. I have gone through and studied the budget but I could not find any sum as having been provided for the civil court buildings. It is known probably to the Government that the accommodation for the civil courts is absolutely insufficient. There are three courts which are housed in a rented house and one court is put in the civil jail lock-up; that is, the room which at one time was used for civil court prisoners is allotted to one of the subordinate and sessions judge and the building of another court room is simply uninhabitable. Consequently it will be found that there is not sufficient accommodation at all for the civil courts. The matter has been under consideration for a very long time, in fact several years ago when Sir James (now Lord) Meston laid the foundation stone of a new building. That project had to be abandoned because there were no funds. Then it was decided that a block of buildings will be put up at a cost of about 50 or 60 thousand or may be a lakh of rupees, but it appears that no money has been provided in this budget. I think, Sir, it is absolutely essential to provide accommodation for the civil courts. We find that a lakh of rupees has been provided for the building of the Hygiene Institute at Lucknow. I believe that the palatial building of the Council Chamber will soon be ready, and when we shall shift to that building, the present building will be vacant and it can very well be utilized for the Hygiene Institute. There is no immediate hurry for spending more money on bricks and mortar. We have already committed ourselves to spend 27 lakhs of rupees on the new Council Chamber and some money ought to have been provided for other districts for their urgent needs.

One word more and I will finish. I beg to draw the attention of the Hon'ble Minister of Education to the Law department of the Lucknow University. It appears that there are over 300 students and the income from fees comes to Rs. 40,000 a year, but the department is not properly treated. They are spending Rs. 250 on law professors, which in all comes to Rs. 18,000. They give to the Dean only Rs. 100 extra, that is to say, Rs. 350 to the Dean of the Law department. You all know that Mr. Chak is a very able, efficient and well-read gentleman and he gets only Rs. 350 for being Dean of the Law department. In other departments Deans are getting Rs. 1,000 and 1,500. I think there is no reason why the Lucknow University should make money over the Law department and should not spend the income which they are getting from the students of that department. We further find that there is no class room for the students, nor is there any boarding house for them. Compare their condition with the law students of the Allahabad University where they have got a law hostel and separate class rooms and very well paid Deans and professors. I think the Hon'ble Minister of Education would look into this matter and would remove the just grievances of the law class students and professors.

**Mr. Mukandi Lal :** I rise to join the general discussion on the budget, and I do so as one belonging to the opposition. I do so as the opposition would have done in a Legislature which had power to control the Government and dethrone them. In this country we have no power to move an amendment to the King's speech. There is no King's speech in this country as a matter of fact. So I take it that this presentation of the budget is something like a King's speech lying before the House the programme and policy of the Government, and whatever contribution I make this afternoon to the debate will be in the light of moving an amendment to the King's speech, pointing out to the Government their sins of omission and their sins of commission. That is the line I propose to take. I think that if there is anything that is given to us by the Reforms, it is the presentation of the budget. I am aware that, whether we pass these demands or not, the Government can go on by certification and ordinances. True, we are told that in the transferred departments, if the demands are not voted, perhaps the Government could not go on but we have seen that it could go on in the Central Provinces and Bengal where our compatriots wanted to make it impossible for the Government to go on until they gave them what they claimed—responsible government. Thus, it is apparent that even in the transferred departments the government could be carried on. We have got at least a constitutional right, once a year, to criticize the Government to our heart's content if we choose to do so. I do not forget that we are after all something like a dignified debating society and all our criticisms, whether good or bad, to the point or beside the point, may to some extent be considered in that line, but I do recognize that all these criticisms are not altogether futile and that some of them will be taken into account.

Now, I congratulate the Hon'ble the Finance Member, and I do so not only as a matter of convention, but I sincerely tender congratulations for his having presented the budget in such a handy and lucid form that it saved us a good deal of trouble of going through the bulky volumes.

I would have offered my hearty congratulations much more if it was

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a deficit, but for the last three years we have been running in deficits. We have been overdrawing during this time. In 1923-24 the overdraft amounted to Rs. 1,26,55,000, in 1924-25 it amounted to Rs. 1,11,41,000, and this year, as mentioned by Pandit Nanak Chand, it is Rs. 1,34,35,000. If I am mistaken, the Hon'ble the Finance Member will correct me, because I could not find that out from this year's budget, but from the budget statements of the last two years I have picked up the overdrafts for 1923-24 and 1924-25. If we look to the budget figures we find that we are actually in debt today to the extent of Rs. 3,29,43,000. Do you think that we are in a happy position to congratulate the Hon'ble the Finance Member? We have been making these overdrafts now and then from a sum which I might call Government's pocket-money savings bank account, viz., the United Provinces Development Loan and the Famine Insurance Fund. It has been urged that there is justification for the overdraft on the United Provinces Loan, which I submit was meant for certain developments. To give only one illustration, I understand Hardwar-Karanprayag Railway was opened by it. However, as the point has been touched by other members, I will not deal with United Provinces Loan. The irregularity of utilizing the Famine Insurance Fund has also been pointed out by previous speakers.

I will first take the list of omissions that we find from the present budget. There is no provision for the separation of judicial and executive functions. Though this Council has urged upon the Government over and over again from 1921 onward and resolutions have been passed in this Council that this reform is absolutely necessary in the interest of justice, the Government has so far taken no steps to bring about the separation of judicial and executive. Over and over again resolutions have been passed in this Council that there should be advisory boards in every district to advise the district officers. No steps have been taken in that direction. It may be urged that no funds are required for that, hence no provision for it in the budget; but the Government has not taken any action, and so we can take them to task for not having done so so far. A resolution was unanimously passed in this Council and accepted by the Government that it was time that Kumaun should be affiliated to the Allahabad High Court, but for that also there is no provision in the new budget; and I do not know when the Government is going to carry out the wishes of the Council. Many a time have I put questions about the criminal sessions cases of Garhwal being heard within the district of Garhwal but there is no provision made for that. Perhaps I may be informed later on that one of these mysterious figures includes a provision for the trial of sessions cases in Garhwal. Some honourable members have already dealt with the question of Commissioners. It is not the verdict of this Council only, it is not the verdict of the non-official members alone, but it is the verdict of a committee appointed by the Government—some of the prominent officers of the Government were on that committee—that the number of Commissioners should be reduced at least by half. Out of ten Commissioners not even five have been reduced. There were recommendations about a reduction in the cadre of police inspectors and Deputy Inspectors-General. In the latter case also we find that the Government seems to be content with having reduced the cadre by only one. Then there was the recommendation about a reduction in the Public Works department



higher services to which reference has already been made. I do not suppose the Government has taken any steps in that direction, except changing the names of the Public Works department officers concerned. Then there is primary education. Has Government made any provision for free primary education? Government recognizes the need of primary education and we have been told with a certain amount of bravado by the Hon'ble the Finance Member that out of Rs. 19,94,000 new items the Government demands from us the sum of Rs. 15,24,000 is for the transferred departments. I want to know whether the Government thinks that in a province like ours, which is essentially an agricultural province, an increased allotment of Rs. 84,000 for agricultural purposes is enough. We have been crying for development of industries in season and out of season. We are told that Rs. 49,000 out of the new demands will go to Industries. We passed a resolution in this Council for the development of cottage industries. Only a short time ago a resolution passed in this Council for the development and encouragement of cottage industries. Has Government done anything in that direction in accordance with the wishes of this Council? Nothing. Probably Rs. 49,000 might be supposed to be utilized for cottage industries. A Pasteur Institute is a crying need of this province, for the treatment of people bitten by mad dogs. We have a medical college here, a very expensive affair, which I might call the white elephant of the Lucknow University, but there is no provision for treatment of rabies there. Could the Government not realize that it is time that there ought to be a Pasteur Institute in this province? Very recently there was a question before us that there ought to be a picture gallery in Lucknow. I take some interest in art and should have liked Government to make a provision for that in the budget - but we find that there is no such provision. In the Public Works department, which is sometimes called the Public Waste department, we notice high demands. There we find a big sum of three lakhs and odd for the improvement of roads within the Lucknow municipality whereas in the mufassil the roads are in a lamentable condition. Our Grand Trunk road is in a very bad condition. In my district (Garhwal) there is only 26 miles of cart road. We want an extension of this in order to avoid famines. For this we could certainly draw upon the Famine Insurance Fund. If the Sarda canal can be supposed to be of help in warding off famines, certainly an extended cart road in the district of Garhwal can do the same during famines, more effectively by facilitating transport of corn.

I have done with the list of sins of omission of the Government. I come now to the list of sins of commission. We see that there is this Lee Commission. True, this Government is not directly responsible for this. The amount provided in the budget is Rs. 8,25,000. But, so far as I remember, it was said in answer to a Council question that it would cost us Rs. 9,50,000. Anyhow, it is in the neighbourhood of nine lakhs. When we had a debate in this House on the Lee Commission, we could very well see the sphinx-like silence of the Government benches. They might very well say: "Men may come and men may go, but we go on for ever." They knew what power we had. The Government benches used to be called birds of passage; they have now really become in fact birds of passage. They have got their passages and they will now fly home every four years. They are now in fact birds of passage, and what they leave behind are birds preyed upon.

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Therefore they can go on and do things in any way they like because we cannot touch them. You will see that figures are classified as voted and non-voted. I would give them another name and call them touchable and non-touchable. We can criticize the actions of those officers whose salaries are non touchable, but we cannot take them to task for their irregularities or high-handedness or negligence in the discharge of their duties. If we look at the figures presented to us we find that though a sudden jump, a sudden increase, has been made in the English expenditure, from Rs. 12,54,000 in 1921-22 to Rs. 20,35,000 this year, no extra provision has been made for those departments which are of vital importance to the national well-being of the province. Then if we compare such departments as are often called nation-building departments—take education—in 1921-22 we spent Rs. 1,52,000 and what do we find, after four or five years we are only spending now Rs. 1,71,64 000. Do you consider sufficient progress has been made in these nation-building departments? Again, look to agriculture. In agriculture in 1921-22 Government spent Rs. 27,27,000, and this year the budget has gone down to Rs. 25,35,000. If we look to other departments, say, Public Health, here the difference is much greater—in 1921-22 Rs. 28,60,000 was spent on it, whereas this year the demand under it is Rs. 14,96,000. Do you think that the state of affairs in public health in these provinces is satisfactory—do we not require more village sanitation? If we are going to give them half of what we gave four or five years ago, do you consider Government deserves sympathy from us. Therefore I would suggest to this Council before I sit down (and before I am called up by you Mr. Deputy President—I hope you will remind me when my time is up) the previous Council in 1923-24 made cuts of Rs. 14,29,000. In 1924-25, last year when we the new element had come in, we made cuts of Rs. 18,39,000. In 1925-26, I would urge the Council to make cuts of Rs. 27,93,000. This is exactly the figure which is supposed to be the deficit—so that we may be then able to say we are entering into new financial year without deficit. We should not forget that on the revenue side there are lump sums which have been taken from the Development Loan and the Famine Insurance Fund which will have to be paid off; and why should we leave in addition some more debts to be paid off by future generations.

Excise is rightly criticized by all well-wishers of society, and I am surprised that the present Government can gibe at the drop of Rs. 10,00,000 in the excise revenue. Here we are reminded by the Hon'ble the Finance Member "from the point of view of social reform this increase of sobriety in an already sober province is gratifying. I fear, however, that a part of it is due to the substitution of illicit for licit liquor; and in so far as that means that money which should be coming to Government is going into the pockets of the illicit distiller and smuggler, I as Finance Member can scarcely regard the result with equanimity." The fall of Rs. 10 lakhs in excise revenue indicates sobriety; and again Government wants us to spend Rs. 8 lakhs more on excise. True they say they will be able to show savings and these will be utilized—the exact figure representing increase is Rs. 7,94,000—I correct myself before Mr. Blunt rises up to correct me. However I say that cuts have been made in excise before, and I hope this year also Council will make large and effective cuts.

Then comes this question how to make two ends meet. Government says that there are, in fact, only two courses open to them, "we must either reduce our expenditure or increase our receipts." That is quite right, but there is another course—it is retrenchment. But there the Government says "hands off." The Hon'ble the Finance Member says "I do not deny that some reduction in expenditure is possible. It would not indeed provide the full sum required. Retrenchment in the proper sense of the term has already been carried as far as is practicable." That is to say, we have been told definitely that there is no more room for retrenchment. I hope this Council will be in a position to show the Government that more retrenchment is possible so that big cuts are made in the budget. Again, I would remind the Council not to forget that after all we are dealing with figures. In many cases or to some extent—I hope the Hon'ble the Finance Member would excuse me—they are inflated. If that is not so, then how this reappropriation is going on—they would once allot money under a head and then transfer it to some other head, saying that since it could not be spent there it should be transferred where it is needed. We must take this also into consideration. Besides, as we see, the original meaning of the word budget is a "leather bag." One Premier of England, it was Mr. Walpole, one of the earliest and greatest Prime Ministers, who was represented in a satire "Budget opened" as holding in hand a conjurer's bag. I should not be surprised to find much juggling, much statistical jugglery in the budget. The other day in the Assembly Mr. Patel called Sir Basil Blackett a financial wizard who like a conjurer had money all over his body. And if Government wants to make more money I should not be surprised if the Hon'ble the Finance Member may tell us here is more money—he may tell us of possibilities for this province to spend more money. Taking all these points into consideration I suggest that effective and big cuts should be made. We will enter into general discussions on different heads later, therefore it is not necessary to enter into details in this general discussion, but this is the opportunity when we ought to criticize the Government in general. I wish to point out to Government how far they have respected the opinion of this Council. I will remind you briefly and hurriedly of the resolutions passed by this Council and thrown into the waste-paper basket by the present Government. Advisory committees—resolutions have been passed about this, yet no action taken on them. Then there was a resolution of remission of sentences of cases of incendiarism in Kumaun—that has not been acted upon by the Government. Then complaints about Government servants ventilating their grievances—there also, though Government stated there was no order to the effect that they were not to expose their grievances to M. L. C's., at the same time the resolution was passed and Government did not draw the attention of the departments concerned that except in the case of divulging official secrets Government servants were at liberty to expose their grievances to M. L. C's. Then, Sir, I have referred to the separation of judicial and executive functions—that has been passed four times in this Council since 1921. Then comes the question of settlement operations—that also Government opposed and it was passed, and yet settlement operations are going on in one form or another—that is a point for the zamindar members to remember. Trial of cases at headquarters—that was a very good demand in the interests of justice, but it

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was opposed by the present Government. Then there was a resolution about appointment of Indians as deputy secretaries—the resolution was also opposed by Government; and I suppose that with the exception of one or two posts it has not been acted upon. So I hope Government will see in future that resolutions passed by this Council are acted upon and followed by the Government. Then there is the question of questions. As I have said before, putting questions to Government is one of the most important rights of the members of the Council. When the questions are put Government has the audacity of not believing the members who put the questions, or when they assert certain facts they prefer to believe the “man on the spot.” Who is the man on the spot? That is the man who is involved in the question. When we ask questions about a particular department or officer, he is in the position of an accused person, and if you put to him any question of course he will give an explanation which will be in his favour. I will give an instance. I asked the question whether the Deputy Commissioner of Garhwal did take any steps to kill the man-eating leopard, which has killed over hundred persons in the vicinity of Rudraprayag. The answer given was that one morning the Deputy Commissioner went to Girgaon at 11 o'clock to shoot the leopard and he asked the people to come and help him, but they did not help him, so he came back in the evening. My question was not about the leopard at Girgaon which has killed only about half a dozen persons, but about the leopard which has killed over 100 persons at Rudraprayag. *Sawal digar, Jawab digar*. The fact is that the Deputy Commissioner never tried himself to shoot the Rudraprayag leopard. The answer was given and the Council thought that the officer did try to kill the leopard, but it is the people who did not go to help him.

I will give one more instance. In the Farrukhabad jail once or twice the lady prisoners were put to very disgraceful insult by the Lady Superintendent. I asked a question about it and the answer given was, “no”. I asked whether the answer was given by the Lady Superintendent concerned. The answer was “yes”. There also I pointed out to Government that they ought to take steps to get correct answers.

Take, again, the question put, by my honourable friend from Cawnpore about the white cap being excluded from the Cawnpore gardens. There also we find that the words of the honourable member were not taken seriously and the answer given was non-committal. There was a letter also showing that permission was refused. In this way Government has been flouting public opinion, in disregarding resolutions passed and in giving sometimes incorrect answers and sometimes answers which do not tally with actual facts. Therefore I hope the Council will take into consideration the exact position of the Government, how they have treated us, and in the same way make good and serious cuts so that we do not have a deficit of 27 lakhs and odd.

**Lala Babu Lal :** It appears to me, Sir, that the preparation of this year's budget has been a task of some difficulty, and I think with the other honourable members of the Council in that thanks are due to the Hon'ble the Finance Member and the Finance Secretary and the personnel of the department for tiding over a period of stress and for the

presentation of a budget which in point of lucidity of exposition and clearness of detail compares well with the previous ones. Coming to a consideration of the budget I may say that it has been aptly termed to be a budget of floods, and I may also add of stagnation. I say stagnation because there is no money provided for those objects on which the Council has set its heart. As was pointed out by some honourable members, where is the money for the separation of judicial and executive functions to which policy the Government stand committed? I hope it does not mean the abandonment of the policy accepted by Government. As to how the matter stands I hope the Hon'ble the Finance Member will let us know while winding up the debate. Further, the Council would have very much liked to have money provided for the establishment of a college for imparting instruction in Ayurvedic and Unani systems of medicine to which the Council has already given its verdict. Proceeding further I find there is no provision for the extension of the district board health scheme, which has already been tried and found useful in the districts in which it has been applied. Further, we may have expected some provision being made for the expansion of primary education. The last two objects are objects which especially concern the welfare of the masses, and considering their low state of development both in mind and in body it appears to me that we should spend larger and still larger sums for their welfare. From another point of view also I think these objects deserve the consideration of the Government, and it is that we are taking much more revenue from the masses than what we are spending for them. I have not been able to make exact calculations, but intuitively it appears to me that we are taking quite two-thirds from them, while we are expending only one-third on the nation-building departments which can be said to concern the welfare of the masses.

Coming to the allocation of revenue between the transferred and reserved departments I want to acknowledge the sympathy of the Hon'ble the Finance Member that larger sums are being expended over them. But that does not appear to me to be the whole truth; for if we add the figures for the important heads on the transferred side, viz., education, medicine, public works, agriculture, and industries, we will find that in the year 1924-25 we spent Rs. 242 lakhs and this year we have a provision of Rs. 252 lakhs on those departments. It means there is an addition of Rs. 9 lakhs. Now; coming to the reserved departments and adding the figures similarly for land revenue, forests, general administration, administration of justice, jails and convict settlements and police we find that in 1924-25 we spent Rs. 507 lakhs, while this year we are going to spend Rs. 522 lakhs. Two facts emerge from these figures. One is that between last year and this year while the transferred departments got only an addition of Rs. 9 lakhs, the reserved departments have got an addition of 15 lakhs. I do not grudge what you are spending on the reserved departments. But considering what was stated by the Hon'ble the Finance Member that the scope of expansion of public interest lies in the expansion of the transferred departments, I hope they will receive still greater consideration. And looking also from another point of view, I do not think the transferred departments receive favourable consideration. It is from this point that you are spending only about Rs. 252 lakhs on the transferred departments, while you are spending about Rs. 500 lakhs on the reserved departments, which means that you are spending about half

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on the transferred departments and about double on the reserved departments. Looking at the same question from the percentage of the whole revenues, we find that we are spending on the transferred departments about 20 per cent. of the total revenues. You can look at this question from still another point of view. It is that on education we are spending 12 per cent. of the total revenues, while not going outside India but confining ourselves within its borders, we find that the State of Travancore is spending 17·6 per cent. on education only. I pass on to another feature of the budget, which deserves to be brought to the notice of the Council. It is that non-voted items have been increased from Rs. 391 lakhs last year to Rs. 436 lakhs. I think that in the year 1923-24 they were Rs. 444 lakhs, so last year there was a decrease under this head and this year there is an increase. I am afraid this might have been due to the recommendations of the Lee Commission which have been given effect to. Whatever the cause may be, I think the Council has a right to know how is that so, because the Council has not the power on the non-voted items and therefore it is of the utmost importance to us to know how the matter stands. Then passing on to the recommendations of the Lee Commission being given effect to, we find that about Rs. 8 or 9 lakhs is going to be imposed on this province this year. I would refer Government to a question of mine which I put about September last. We were told that the burden that will be imposed on this province will be about Rs. 9,77,000, while the saving will be eventually about Rs. 10,66,000. So the matter stands at this. That the burden has been imposed, but the savings are not yet there. I think the savings can come only from the Indianization of the services, and I think that as soon as the burden has been imposed, the policy of Indianization should be instituted, so that the savings may be realized by the time the next budget is presented.

Then there are other economies which have been pointed out by my honourable friend from Bulandshahr, namely, the abolition of divisional commissioners through which we may quite safely have a reduction in our expenditure to the extent of 71 lakhs. This is not a small item, and I hope the policy of the Government will be to realizing this retrenchment by virtue of Indianization of the services as well as by giving effect to the recommendations for abolition of commissionerships, inspectorships in the Education department and all that which taken together could mean a reduction of about Rs. 20 lakhs in expenditure.

Lastly, Sir, I come to the circumstances that have developed from the welcome announcement of a reduction of Rs 56 lakhs in the provincial contribution, and it becomes necessary to consider the changed situation. I agree that the loan of 43 lakhs need not be taken; also that the general balances should be strengthened. Then I am inclined to agree to the imposition of the stamp tax, but I would wish that the proceeds of that tax be applied to the purposes which I mentioned in the opening part of my speech—I mean the district board health scheme, the separation of judicial and executive functions, etc.

**Pandit Yajna Narayan Upadhyā :** Instead of discussing the various departments of the Government, I think it proper to direct the special

attention of the House to the Education department. I will take first University education. Side by side with the official universities, two non-official universities have sprung up. These non-official universities are doing immense service to the province, and a larger number of students are educated in these non-official universities, still the Government does not pay attention to these new universities. These universities deserve the best consideration of the Government and they have every right to expect help from the Government. When these universities are doing the right sort of work for the improvement of these provinces, I do not see any reason why the claims of these universities should be overlooked. I see these official universities are wasting money like anything. Last year in the course of the discussion that went on it was said regarding certain professors that they were doing no work whatsoever, still they are retained. I say if the Government wants to continue this improper policy it will not be doing the right thing. I think the sooner we get rid of the waste that is going on in the official universities, the better.

Then I proceed to the Board of Intermediate Colleges and High Schools. There too I find immense waste; immense money is spent on inspection which is done by the Inspector of Schools as well. On examinations too I see money is wasted.

Then, again, I see the office of the Director of Public Instruction is increasing every year. I see a Personal Assistant to the Director of Public Instruction appointed, an Assistant Director appointed, and some provision is made in the present budget for the addition of posts in the office of the Director of Public Instruction. I see before the present incumbent there was a Director of Public Instruction—Sir Claude de la Fosse—he did not require any Personal Assistant? What was the necessity which led the present incumbent to appoint a Personal Assistant? What was the necessity which led the Government to appoint an Assistant Director this year for the Accounts branch? I asked special questions regarding these things, but no reasonable reply was given. The reply was simply evasive.

Then, again, Sir, I would direct your attention to the office of the Inspector of Schools. It was one of the recommendations of the Economy Committee that the post of Inspector of Schools should be reduced. In reply to one of my questions it was said that one of the inspectors made some 16 or 22 inspections in 365 days. I say you are wasting money on these Inspectors of Schools when there is the Board of High School and Intermediate Education. They might provide for inspection. You could have very easily decreased the number of inspectors. I think that was one of the strongest recommendations of the Economy Committee that the number of inspectors should be reduced. I think very recently a note was published by Mr. Blunt in connection with the Inspectors of Schools and it was said that the Government wanted to reorganize the primary schools, these inspectors are retained. I say if you consider these inspectors to be of no use, it was unnecessary to retain them any longer and to wait for the reorganization of the primary schools. The inspectors are not required; they must be dispensed with, and the sooner the better. I submit that a little more attention should be paid towards the primary education in

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these provinces, as I see that illiteracy is prevalent throughout the length and breadth of the province. The little attention that is paid at present towards primary education will not improve the condition of the country. Government has done very little towards the primary education and it is suffering very badly. Recently a report of Mr. Kichlu has been published in connection with primary education. There too I find that the Government in making experiments has wasted an immense amount of money and an important portion the life of students as well. It has been said that an experiment was made that instead of a two years' course, a three years may be introduced for the Vernacular Final Examination. Mr. Kichlu has rightly pointed out that it was a waste of time of the students, and Mr. Kichlu has also pointed out that instead of following a steady and consistent policy in the direction of primary education, Government has always adopted some experiment or other on which there has been a serious waste of public money. I submit to the Government that if you want rightly to improve the primary education in this province, you should follow a steady and consistent policy which may be useful to the country. Frequent experiments of this sort or that sort are injurious to the country in general and to the people of this province in particular. You know that this province is suffering very much financially, and if you start one experiment today and another experiment tomorrow, then I say that you are wasting the public money.

I forgot to mention a few words in connection with the Training College at Allahabad. You see every year students passing from that College, but no livelihood is provided for them. At least 40 to 50 students who have passed the L. T. Examination are moving about without any livelihood. I have seen very recently that a B. A. L. T. has accepted a post on Rs. 30. If you find that the students passing from this Training College do not get any livelihood, it is unnecessary for you to keep the Training College any longer. There is already a first class Training College at Benares, and if you simply strengthen the establishment of this college and abolish the Training College at Allahabad, there will be a considerable saving. Again, I submit that the condition of the Sanskrit College is hopelessly deplorable. I submit that the professors of that college are considered, I regret to say, notorious for corrupt practices in examination matters. Corrupt practice is going on in this institution and no attention is paid. The institution which has been built up by collections from Rajas and Maharajas should not be overlooked in this way and corruption should be stopped. It is highly injurious to the public welfare. These are the conditions of the Education department, and this department requires complete overhauling.

Now, I come to the Local Self-Government department. There I see, Sir, that a policy is followed, the object of which is simply to keep these local bodies for ever under the control of the Government. I submit that some liberal policy should be followed in connection with these bodies. They are a stepping stone to *swaraj*, and you should not make this department a slave department. The work of this department is always hampered by the District Officers and the Commissioners. I see that large sums of money have been advanced to these bodies as loan, and as they are not in a position to repay it they are suffering tremendously. They find themselves unable



to make internal improvements simply on account of the heavy burden of loans that has been fastened on their shoulders. If it is desired that this department should progress, you should take at least a share of the loans which you have thrown over them. The Department of Public Health requires very careful consideration of the House. We see that every year lakhs and lakhs of people of these provinces die of plague, cholera, influenza, small-pox, and other diseases. In villages the people die of these diseases, and yet nobody cares for them. In cities you provide all sorts of luxuries, but in villages you pay no attention to the health of the poor people. It is the special duty of Government to take immediate steps for the improvement of the health of these villagers. If you take the responsibility of the people, I submit that it is your first and foremost duty to take proper and special care of their health.

Next I submit that the condition of the industrial department is also very deplorable. You open a school in one district and then you open another school in another district, but practically you are doing nothing to improve the cottage industries of this country. If you want to enrich the cultivators, it is your first and foremost duty to introduce cottage industries. It is your primary duty to help the agriculturists and to give them the best implements so that they may be in a position to improve their agriculture.

You have introduced co-operative societies throughout the length and breadth of the province, but properly speaking you are doing nothing towards co-operation. You start certain societies and they go into liquidation. Then the result is that property is sold and the villagers are harassed. If you really want to help the villagers through co-operative societies, I say it is the duty of Government to do what the civilized countries like Holland and Japan have done in this respect. Japan has done something for the good of the country with the help of co-operation. I have recently been discussing with a gentleman the question of the co-operative society which is progressing in Holland. I find that co-operative societies in Holland are really the vitality of the country. Co-operation is the most important thing for the peace and prosperity of the country. If you want to help the country, you can sincerely follow the co-operation which will prosper the country.

Next I direct your attention to the jails of these provinces which are in a hopelessly deplorable condition. If an ordinary man opens a factory and engages two or three thousand labourers, he makes with the help of these labourers a profit enough to cover the wages of these people and also to declare handsome dividends. Here you have got about 1,500 prisoners in every central jail and yet you do not introduce any sort of industries there. You spend seven pice for the feeding of each prisoner and some six pice per head for the supervision of these prisoners. A person who has once gone to the prison is always a prisoner, because on coming out of the jail he again falls a prey to the same bad habits for which he was at first convicted. If, therefore, you wish to prevent him from demoralization, you must introduce some sort of industry in the jail, so that on the expiry of his sentence he might take to it and earn his daily bread. In the jails there are about two thousand prisoners, and the cost of feeding them works out at 7 pice per head. Consequently, if you introduce an industry in the jails, you will find that the Jail department will, besides paying its own cost, be able to contribute something to the general revenues of the province. What is

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after all wanted is complete overhauling of the administration of Government. If you are not disposed to do it now, rest assured that the wrath of God, who is much more powerful than you, will fall on you.

**Thakur Sadho Singh:** I have no desire to follow the practice of making a few introductory remarks by way of praise of the Finance department and thus to waste the time of the Council. I shall, therefore, enter into a criticism of the budget straightaway.

Although I admit a great deal has generally been done by the Government in the way of taqavi and direct relief, the people in most of the flood-stricken areas are suffering very acutely. Besides, for the purposes of taqavi a single khata is maintained for every village, with the result that people are put to serious and unnecessary trouble when they have to repay the loan. I would, therefore, request the Government to issue express instructions to district officers to see that joint liability in the matter of taqavi is not enforced on people very unreasonably and abuse of authority seriously discouraged. My honourable friend Kunwar Jagdish Prasad tried a certain method in 1918 in this respect, and if that had been followed now, the tenants would have by themselves had some impetus to pay back the taqavi money and saved from other losses and tyrannies. Further, it is an open secret that about 10 per cent. of the money given for taqavi or direct relief to agriculturists was indirectly gone elsewhere, and not to the tenants. It will, therefore, be in the interest of the people if Government change the methods and institute an inquiry into the matter and punish the miscreants. Again, there is a section in the Land Revenue Act which says that patwaris ought to report the damage to crop in each village. In actual practice, however, we find that the agriculturists do not at all benefit by this provision and ordinarily it is of doubtful benefit to them. Either the section should be suitably modified or deleted from the Act or the people should also be given a reasonable opportunity of knowing in time what these patwaris do. In the name of patwaris sometimes even high officials privately require them to underestimate the damages to save much worry.

On the subject of vernacular education I would say that in some districts female education has progressed only nominally and there are no early prospects for its real expansion. Although many of our friends have but spoken half-heartedly in favour of rural classes, still these classes, who pay more than 80 per cent. of the taxes, get very little benefit out of it. Even in the case of compulsory education for rural area it is time that we should emphatically say that this must be done first and other things should wait and not that compulsory education in municipalities should be financed more favourably and this question of introducing compulsory education in rural areas be shelved indefinitely. At the same time education among depressed classes has also not progressed sufficiently as it ought to have been. Some measures should be taken to encourage these people to send more and more of their children to schools. It is a pity that money considerations lead the Government to exploit the vice of drink and no real attempt is being made to impose prohibition within a reasonable time. In spite of the floods the fall in the excise revenue has not been very substantial. A bugbear is made of illicit distillation but the Government is to blame for it. Higher classes of people who did not even touch liquor have become addicted to it on

account of the location of these shops and now it is difficult for them to get rid of the habit. I have talked several times with the Director of Agriculture about matters concerning his department. He is very well-meaning and very anxious to see a great deal done for his department. But many officials of the department feel themselves more of officers than as professional gentlemen who would like to encourage the people. I would ask him how many of these officials have joined district board meetings or have discussed these matters with the experienced people in the district seriously about the introduction of their seeds, about cattle-breeding, about implements, machinery and all other possible improvements in the light of local experience. It is his duty to see if education in agriculture is really being encouraged and real interest taken more and more by the people. As regards co-operative societies, I think it is now time that a committee should be appointed and it should seriously consider what course this movement should take. Some gentlemen here know a good deal about the doings of the co-operative society in the Budaun district and I need not go into details. Those who have heard about the society there know what bad name it has gained not only for itself but for the whole movement. Even the boards of these societies find places for ultra-loyal gentlemen who take very little interest in these matters and hardly any of them ever goes and examines the conditions of any co-operativesociety on the spot. We ought to sound a note of warning from our benches lest it should be too late because this movement, if successful, can do a great deal for the agricultural indebtedness of our country and, if unsuccessful, would be much more harmful to the people. The Hon'ble Minister knows how much money he had to write off as bad debts in the Budaun district. The amount was more than 3½ lakhs out of 4½ lakhs due.

As regards Medical department, I would say that nothing is being done to provide anything like adequate medical relief to the villagers. I wish to know how many stipends for the Ayurvedic study have been granted by the Hon'ble Minister. No doubt the pay of sub-assistant surgeons is being increased, but district boards do not like it as they are thereby hampered in the task of providing a sufficient number of these doctors for the people. It will bear out the apathy of the department of Public Health towards the people if they simply tell the Council how many drinking wells they have provided in unhealthy villages.

As regards cottage industries, if the present policy of the Government is continued, it will be more than several decades before anything worth the name will be done for the rural classes.

**Pandit Govind Ballabh Pant:** [During this speech the Hon'ble the President resumed the Chair.]

I was waiting for my opportunity in the hope that Mr. Blunt would perhaps leave this room and I would have the licence to talk as I chose, but I see that he does not get away from the corridor and under the circumstances being fully prepared to be corrected by him more than once in the course of the observations that I propose to make, I venture to come forward and to make a few observations.

I do not follow those of my friends who have showered their congratulations on the Hon'ble the Finance Member. So far as the budget goes, he is entitled to our sympathy, but there is no question of congratulations at all. It is practically an adversity budget and he has found any amount of difficulty in balancing it. In this

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state of stagnation in which we have been for some years I personally do not think that a little of patchwork or tinkering in these matters can be of much avail. In fact last year I devoted my speech on this occasion to this one particular question whether it is possible to make any real progress under the present system. Whether the financial considerations and the inexorable laws of finance and the stringent economic stress under which we are working are not by themselves enough to compel the Government to remodel the fabric of machinery as it is and to find out whether it is not necessary to have some other system, and all gentlemen here know what we mean by that, so that things may be carried on more smoothly, more efficiently, and to greater advantage of all concerned. That is what I think is true even today. If all factors are taken into consideration not even one-twentieth of the moral and material progress which has to be made has been achieved so far. Whether we look to literacy, to sanitary improvements, to the death-rate, and to all other factors which go to constitute the moral or material well-being of any community, this much is undeniable that there is a large and considerable leeway to be made up and for that we require funds in such a large measure and to such a large extent that situated as we are it is not possible for us either to get the funds or to apply them to the purposes as we choose and in the manner as we want them to be. Therefore looking at the matter from a purely financial standpoint I think the stalemate cannot be got over until and unless the whole system of administration is overhauled.

This has been borne out by the incidents of the year which is just closing, and so far as the financial aspect of the question is concerned the two majority and minority reports of the Reforms Inquiry Committee agree that under the present circumstances the provinces are so badly crippled that no progress is possible. They attribute it to the Meston award, but I personally think as I will try to develop it a bit further that the Meston award even if revised will not enable us to make the progress which we have to and that the causes go even further deep. Sir, the position of our helplessness is further demonstrated by the proposals of the Lee Commission which were thrust upon an unwilling House; whether they were justifiable in themselves or not that does not matter, but they were forced upon a people who were not willing or prepared to take them upon themselves. After all the essence of responsible government does not lie in the intellectual satisfaction of the administration, it does not lie in their being satisfied as to the soundness of the attitude adopted by the legislature; it lies in their liability to adopt the dictates, the resolutions, the propositions of the legislature irrespective of their own views as to their soundness, otherwise there is no question of any responsibility in the matter for we expect every reasonable gentleman to do what he thinks to be right and proper irrespective of his position or subordination to any other person. Sir, about this time last year, it was rather earlie than this, His Excellency while opening this Council was pleased to observe that "the economic condition of the province is better, the immediate agricultural outlook is excellent, and although I must not anticipate what my honourable colleague, the Finance Member, will shortly have to tell you, I believe that our provincial finances are now in a sounder condition than they were a year ago." He further said

"We do start in some respects from a position of advantage which some of our neighbours lacked." There has been a serious calamity in between and in fact we find that the predictions have not been fulfilled at all. In fact today even if we look at the chart of India we find that this province is the worst in the country, and, situated as we are, we are in a really deplorable condition. Today Bombay is opening with an opening balance of 5 crores, 45 lakhs, and it expects to close with a balance of 4 crores 67 lakhs after having allotted an additional sum of about 67 lakhs exclusively to transferred subjects without raising the expenditure under the reserved subjects by a single shell. If you look to Bihar, you find it opening with an opening balance of about 2 crores roughly, and it too has allotted a substantial amount for the transferred departments. Even the Punjab which had been in a way giving us some little relief and consolation by means of its deficit budgets to which we have been habituated for the last fifteen years has now got a surplus of 10 lakhs, so that ours is the only province in the country which begins and expects to close the year with a deficit account of 5 lakhs. So, to whichever part of the country you may look, you find that there is no other province which is closing with a deficit this year and that we are in fact in a position which will not admit of any further progress if things continue as they have been doing for some time. I should say here that I have been making these observations without taking into account the contribution of 56 lakhs to the extent of which we expect the remission out of 240 lakhs which we have been forced to pay under the award of Lord Meston's committee. I know that the floods have influenced the course of events during the current year to our great disadvantage, but that does not in any way lead us to forget what had been the state of the finances prior to that. We begin in the year 1919 with a balance at our disposal of more than 2 crores. In the year 1921-22 we raised a development loan of about 420 lakhs. Today in fact we have when the year closes, as it is anticipated, a deficit budget of about 1 crore and 77 lakhs. The Hon'ble the Finance Member has stated that it is about 1 crore and 34 lakhs. I think he has deducted the 43 lakhs which he intends to borrow from the Government of India to form part of the surplus in order to meet the deficit. But if that is taken into account and I do not see any reason why it should not be, we will be subject to a loss of 1 crore and 77 lakhs by the end of this year. So what we come to is that during the last five years roughly we have outrun the funds that were at our disposal by a figure exceeding 4 crores, this in spite of the fact that economies have been effected, this in spite of the fact that all expenditure of a beneficial character has been stopped to the extent it was possible to do so, this in spite of the fact that funds have been diverted out of loan and out of debt receipts to purposes to which revenue alone ought to have been allotted, this in spite of the fact that few legislative measures were introduced and in spite of the fact that registration and court-fee charges and irrigation charges were raised at least during a part of this interval. So I submit that we have been running in a way at a loss of about 1 crore a year. Even if we get the remission of 56 lakhs it should not take us much further even if we have to do nothing more except carry on the administration from day to-day without aiming at any sort of progress. I know that of late there has been apparently some

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sort of improvement in the figures as they are exhibited, but that does not in any way improve the situation if we compare the state of things as it has existed for the last few years. In this connection I should like to say that there is at least one point in this budget, these estimates, for which I think the Hon'ble the Finance Member and his assistant are entitled to our appreciation. For the first time in the year 1923-24 these estimates have turned out to be approximately correct, inasmuch as the closing balance of about Rs. 1,44,00,000 that they expected at the end of the year 1924 has turned out to be true within a limit of 2 lakhs. That is a large achievement if we bear in mind that in 1922-23 there was over-budgeting to the extent of 56 lakhs and to the extent of 50 lakhs during the previous year. I understand from the Hon'ble the Finance Member's statement that so far as the various departments are concerned there will still be substantial variation which can come to our knowledge when the appropriation report is presented, but so far as the balance is concerned it is a matter for gratification that the accounts have proved correct to a limit of 3 lakhs. In this connection there is one point of some importance which I want to bring to the notice of the Hon'ble Ministers. I find that during 1922-23 the appropriation out of the actual demands so far as transferred departments are concerned fell short by about 33 lakhs, and that the Education department failed to take advantage of about 6 lakhs which were at its disposal according to the vote of the Council. Similarly, the other departments acting under the Ministers—I have the details with me—failed to take full advantage of the money placed at their disposal. When the Ministers are unable to carry out their schemes because they cannot get money from the Finance department, we understand their position, but when they have the money at their disposal but in spite of that they allow 33 lakhs to lapse, that is a position which is altogether indefensible.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** May I know to what year this reference is made?

**Pandit Govind Ballabh Pant :** In the year 1922-23. I am not concerned with the personalities of the individuals forming the ministry at any time; it is the general principle. And it does not end with 1922-23—if my friends will not be impatient. During that year there were large lapses and that ought not to have been allowed. Again, in 1923-24 I find that the amount allotted for education was not fully appropriated, the amount allotted for agriculture was not fully appropriated, the amount allotted for industries was not fully appropriated. That is in accordance with the figures as given for the budget and the revised figures. When the actual accounts come in perhaps there will be larger lapses. Then take the figures for last year or for the year we are in, 1924-25. Let us look at the budget as it is and let us look at the revised figures and the original figures. For example, the amount allotted for education for the year 1924-25 was Rs. 1,72,00,000, while the amount that was actually appropriated was Rs. 1,69,00,000 according to the revised estimates. So that the Minister for Education has failed to take advantage of the money that was placed at his disposal to the extent of about three lakhs. If you

will look to other figures you will find a similar tale there. I do not mean to take more time for it. That has not been the case, however, in the reserved departments. If you look at the reserved side of education itself during the year 1922-23 when as I told you the Education department did not make use of about 6 lakhs, in the transferred side we find that the reserved department of Education which is connected with a particular branch of education in fact exceeded the allotment that had been made for it and it spent about Rs. 40,000 more than what had been budgeted. That shows the difference between the two sets of accounts and between the manner of the zeal possessed by those who are in charge of the different departments. If my figures are incorrect I will be very pleased, but so long as I have this notion I do regret that a thing like that should have happened. But it is not only with a view to utter a criticism that I referred to this subject. I would suggest that in future there should be something in the form of the transferred contingent fund or transferred development fund and all these sums that are allotted to transferred departments and not made use of, when discovered later on, when accounts are made up or when the appropriation reports are prepared, should be transferred to that fund to be placed at the disposal of the Ministers to be spent by them outside the schedules for the year in any manner they choose for the benefit of the transferred departments. It is with this object that I referred to that subject. I see no reason why sums allotted for the transferred departments and not made use of during any year should not be placed at the disposal of the Ministers when the year closes, so that they may make better use of them. This will be helpful in two ways—it will not be necessary for the Ministers to be extravagant and to be unmindful of the larger interests in spending the resources at their command. On the other hand it will give them more money than they would get under the allotment for the year. Sir, as to the budget itself I have again to make a few suggestions to the Finance Secretary. I had brought to his notice last year that it was a rather clumsy way of giving the net income from irrigation when you give the income on one side and the expenditure under interest or working expenses on the expenditure side. If we are to be given net income then we should be given income after deducting the interest and the working charges. He has given them by way of appendix, but that does not suit our purpose, that does not give us a correct idea of our assets and liabilities. In order that we may have a correct idea I think he should give us the net figure as it ought to be in the detailed statement. Well, I know there are difficulties because of the orders of the Government of India in the matter, but I think even the Government of India should have the sense to see that net is not gross. Then, Sir, I submit that there should be two other appendices attached to the budget in respect of irrigation and forests which are in a way commercial heads and they should give the capital invested in each, the interest liable to be paid in each, the working expenditure in each, and the amount earned in each, so that we may be able to understand what has been the actual net income from either of these heads and which department is making a profit or a loss.

I find, Sir, in the budget as it has been presented to us and in the statement, there is one serious omission, at least I have not been able to learn much about it. No reference has been made to the change in the rate of exchange and the saving that has been effected on that account. That is one of the major heads which has gone a long way,

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I think, in making some saving in the contributions that have been made towards superannuation allowances and towards the purchases in foreign countries. But there is no mention of it either in the budget or in the statement.

Then, Sir, I regret to notice that even in the budget as it has been presented to us for the coming year the increase in salaries made under the recommendations of the Lee Commission have been jumbled together; they have not been divided under various heads. As it is, it is not easy for us to understand which are the particular departments which will be spending more during the coming year as compared with others. When the whole thing is jumbled together under one head "Miscellaneous" it is difficult to understand how this increase in salaries has affected various departments. When the officers have already drawn their arrears for more than a year—unless they are going to accept the suggestion of my honourable friend from Cawnpore—when they have actually drawn the arrears for a year I do not see why there should be any difficulty on the part of the Finance department in adding up those figures and putting them under various sub-heads. They would have given us a correct idea as to how we stand today in regard to this particular matter.

The Hon'ble the Finance Member has stated in his statement that the clamour that the reserved departments are being given more than they deserve and that the transferred departments are not getting all that they are entitled to is not justified by facts. I also noticed this morning that in his report to the Reforms Inquiry Committee he in fact complained that the reserved departments were not given all that they required. I submit, Sir, that if you look at the figures for the last three or four years you will see that the complaint is not quite correct. The amount under the transferred heads has not much increased. In fact, taking the revenue heads into account while the transferred departments were provided to the extent of Rs. 3,27,00,000 in the budget for 1924, we find that the provision is only Rs. 3,20,00,000 in the budget for 1925, and out of these Rs. 3,20,00,000 you have to take away 8 lakhs which is a paper transaction on account of the price of opium. If that is deducted the actual allotment is Rs. 3,12,00,000; so that there is a reduction during one year of Rs. 15,00,000 in the allotment for transferred subjects. I may also say that the allotment that has been made this year, Rs. 3,20,00,000 is less than that made in 1923-24 by 2 lakhs. If you look at the figures for voted and non-voted again you will find that while the voted total in 1923 was Rs. 8,70,00,000 it was only Rs. 8,63,00,000 in 1924, and it is only Rs. 8,58,00,000 in the budget, as now presented, while the non-voted amount which was only Rs. 3,91,00,000 last year has gone up to Rs. 4,36,00,000 during the current year. Under these circumstances I submit that that complaint is not borne out by the facts as I have laid them before the Council. I am prepared to receive lessons under Mr. Blunt, and if there are any mistakes in my statement I stand corrected. But as it is I think the complaint is not justified.

Then, Sir, going further, I think there has again been over-budgeting in the estimates that have now been presented. The Hon'ble the Finance



Member, I remember, told us in his financial statement that he calculated, after adjusting the accounts as they ought to have been when they were presented last year, an opening balance of about Rs. 1,15,00,000. But for the floods, he said, there would have been an opening balance of Rs. 1,35,00,000. That means that he thinks that if the year had run in a normal manner then the budget would have given us twenty lakhs more than what we got during this year. If that is so, I do not see any reason why with the recovery we have seen in trade and with the monsoon that we expect to be good . . .

**The Hon'ble Mr. S. P. O'Donnell :** Why ?

**Pandit Govind Ballabh Pant :** Well, as you have anticipated it to be so, I am proceeding on that assumption. I expect you to be wiser than any of us on this side. Following your lead we expect that the omens are good and the portents are better still. This is what you say and I am proceeding on the data supplied by you in your statement. If that is so, I do not see any reason why we should not expect an increase in income to the extent of 20 lakhs of rupees as compared with what it was in 1923-24. If we take that into account, I think then we are entitled to expect a much larger income than what has been actually estimated. I will go further and say that if we go into details you will see that it should be so. For example, taking the land revenue, he has estimated an income which is only, I think, 3 lakhs above that budgeted for last year. But according to the figures given by the Hon'ble the Finance Member himself there should be an increase of at least 6 lakhs, i.e., we should have an income of 7 crores under Land Revenue. Similarly, if we go to the head of stamps he has made much more reduction than would be justified. I hope he has done so on the assumption that though he would be introducing the Stamp Act yet the Council would not accept it—if it had been done on that assumption, then I expect his estimate has been correct.

Then I come to Excise. I think in the matter of Excise there has been some little over-estimating. I do not expect there will be such increase in income. But I would suggest to the Hon'ble the Finance Secretary some method of raising the income and that would be this :—The fee that is paid on foreign liquor should be raised. It has been doubled by the Bombay Government recently and there is no reason why it should not be considerably raised here. I will have occasion to refer to this subject later on. Then there is one more suggestion that I would like to make and that is this. In places like Cawnpore and other big places there is no reason why the duty or the charges on drugs and liquors should not be raised further still, for there the chances of illicit distillation are not as great as in other places and it is also necessary to ward off people from using these things, as much larger numbers are getting vitiated. In order to save them I think there is no harm in raising the duty in such cities.

As to the forests, . . .

**The Hon'ble the President :** The honourable member should bring his remarks to a close now.

**Pandit Govind Ballabh Pant :** I will take only two minutes more, Sir. As to the forests, I think there is one method out of this impasse and I think the net income can be increased. For that I will make a present of the Kumaun circle to the Hon'ble the Finance Member and the Finance Secretary, and if they will only cut it out of the estimate

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they will be making a substantial saving. I think there is no correct estimate of income and more funds will be at your disposal in case the year is normal and things go on as we want them to, if the assumptions of the Finance Member are correct. In this connection I do not want to take more time. I would like to make a suggestion as to what should be done to the 56 lakhs that has been given by the Government of India. The Hon'ble the Finance Member has so far been saved the embarrassment which the Hon'ble the Finance Member in a higher place had when he said that it was the greatest misfortune that he has had a surplus as he did not know how to distribute it. Now he has some money at his disposal and I would like to know what he is going to do with it. I hope he will make at least a grant of 30 lakhs out of this 56 lakhs to the transferred fund to be used in such manner as they choose. For that we have got a precedent. In 1921-22 as the Ministers had been recruited only a few weeks before the budget was introduced the Government placed at their disposal 20 lakhs of rupees which they might use as they chose during the course of the year.

**Babu Sita Ram :** Much as I would have liked to congratulate the Hon'ble the Finance Member on his budget I am sorry I do not find myself in that happy position. It is not for the reason that I do not want to give credit where credit is due but simply for the reason that the circumstances that are disclosed in the budget are such that they are beyond his control under the existing circumstances. Those circumstances and anomalies cannot be remedied. If this budget had been presented in the British Parliament it would have looked a very good budget. They would have said, "Look here, you have raised the pay of the sons of our soil and you have kicked off the niggers." Going through this budget you find, so far as the Indian services are concerned a reduction from the current year to the coming year. While the non-voted items have very considerably increased. It means that higher salaries have been provided for the All-India services for those gentlemen who come from England, while the sons of the soil have been deprived of appointments in one way or another. You also find in this budget that some of the Indian services have been altogether neglected. I have got a memorial from the Association of sub-assistant surgeons. It says that during the last year some 125 sub-assistant surgeons have been dismissed from service. Those persons were recruited by the Government, and at the time when they were recruited there was no idea that they will be thrown off their jobs. When the Government took them in their service it was their duty to keep them on, but for one reason or another—perhaps on account of the pressure of the district boards or some other grounds these persons have been given notice of dismissal. The Government should have thought over this matter at the time of their recruitment and they are morally bound to keep these men who were taken in service. Not a single British officer has been dismissed owing to the Reforms, but the Reforms have been utilized to dispense with the services of poor Indians who are already too much impoverished and cannot maintain themselves. It has been suggested that the recommendations of the Retrenchment Committee or the Economy Committee have not been given effect to; but I would request those gentlemen to consider as to what will be the effect of those retrenchments or those economies. The effect of the retrenchment will

not fall on the British services, but it will fall on poor Indians who do not possess enough to maintain themselves. Therefore even if the Council will succeed in making cuts in the budget the effect of these cuts will be to throw out a few Indians out of employment, while those gentlemen who share the greatest revenue of the province will remain quite unaffected. It has been made clear that the finances of these provinces are quite . . . It clearly means that the position of the people of these provinces is not capable of bearing further taxation. The non-votable items have been determined by the British Parliament and this Council cannot touch these items. The question is that you should adjust your expenses with the income that is left to you or if the present expenses cannot be met from the balances of revenues, then you should live upon borrowings. But that state of things cannot continue for a long time and the natural consequence is that you cannot make any real improvement in the position of your province. You have not got the money, the people are not capable of being further taxed, then the consequence is that you cannot make any improvement. My learned friend, Nawab Muhammad Yusuf was prepared to undergo some taxation for the sake of improvements. But he did not take into consideration that the effect of the taxation ultimately falls upon the poor tenant, who is the producer of wealth in this country, because the middle classes do not create any wealth. All the wealth is produced by the tenants and other labourers and they are already in a too much impoverished condition and are not capable of bearing further burdens of taxation. Therefore to say that the people of the country are to pay further taxation is, in my humble judgment an incorrect statement and circumstanced as the people are, they cannot bear any further burden of taxation. Of course this is the opinion of an experienced statesman and politician who has watched the progress of the country during the last 35 years and who has definitely come to the conclusion that India is much more taxed than any other country, looking to the resources of the country; and under these circumstances to say that India is capable of further taxation is to further bleed the people.

Therefore the question of taxation does not arise and you have to remain in a stagnant position or rather in a position of bankruptcy as has been described by my friend the member from Garhwal.

Most of the items in the budget have been discussed, but there is one particular item to which I want to draw the attention of the House personally, and that is about the convict settlements. Whatever the motive of the Government may be, so far as these convict settlements are concerned, there is no doubt that these settlements are now being utilized to convert the people from one religion to another religion. Bhandus and other communities who are regarded as convict criminals belong to the Hindu religion, their forefathers have been of Hindu religion. But now they have been placed under the Salvation Army department and I know for a fact that these Sansias in Kheri district are being converted from Hinduism to Christianity; and then the Government professes its neutrality in religious matters. But here in this case public funds are being utilized to convert people from one faith to another faith, from the faith of the people to the faith of the Government and this is the most undesirable state of things. In the name of public interest and public peace, you utilize the money of the country

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to convert a class of people to a particular religion. I moved in this matter long ago. I wrote to the Hon'ble the Home Member—of course that letter was lost in transit—then I spoke personally to the Hon'ble the Home Member and then I was informed by the Secretary of the department that the colonies that are already under the control of the Salvation Army will remain under their control. Fresh colonies can be raised by other communities. So far as these people are concerned, the Government has made them over to the Salvation Army to convert them to Christianity. This is a most undesirable state of things and it should cease as soon as possible.

These are the observations that I wanted to put before the Government.

**Thakur Har Prasad Singh:** I represent the rural constituency. Had there been any relief to the rural population in this budget I would have gladly congratulated the Hon'ble the Finance Member, but unfortunately there is no relief to the rural population. The peasants who are the source of the income of the whole revenues of Government are in a very miserable and wretched condition. I do not find in the budget any relief for them. The poor peasants have not got proper fields to hide, because the compact holding system is not in force. They cannot improve their fields, why, because there is no stability of their tenure or of their holding. They have got no credit in the market, why, because they have no vested interest, no vested rights in the tenancy. These are the defects and these are the troubles under which the peasants are living. They have not got proper arrangement for sanitation. They die like flies and mosquitos. There is no arrangement for medicine. There is no arrangement for other sanitation. Go to the villages and you will find the wretched condition of the people; they live in a sort of hell. There is no arrangement for communication. Roads, hospitals and everything you will find existing in urban areas, but there is no provision for the rural population. Whenever the need of the poor peasants is advanced or something is sought on their behalf, Government says that there is no money. But I see that money is being wasted like water. There had been an agitation that commissionerships should be abolished, but they have not yet been abolished. Had these commissionerships been abolished we would have been able to save about 8 lakhs a year. The Economy Committee recommended for the abolition of certain districts but those districts have not yet been abolished. Now, it has been settled and finally declared that no district will be abolished. Why so? Why these districts are not going to be abolished? It is because the Government does not want to deprive the Indian Civil Service of some jobs. Sir, there are sub-divisional charges which, in my opinion, are useless charges. They should be abolished at once. I know of two sub-divisions—Karwi and Lalitpur. They are generally in charge of the Indian Civil Service people. They have deputy collectors to help them, but as a matter of fact these deputy collectors are entrusted with the whole work of the sub-division and these Indian Civil Service men simply enjoy shikar. I therefore submit why this money should not be utilized for nation-building subjects.

Next I take Agriculture. About 70 per cent. of the people of these provinces live on agriculture. But I find that there is no provision for

the expansion or for the proper control and management of the department. You have allotted about 25 lakhs to the Agriculture department, but that is not sufficient for it. It should be developed on popular lines. Up to this time we have only made experiments. Every European officer who is deputed to the Agriculture department is fresh from England and he has no experience of the soil, climate, and other circumstances of the province. They come and make experiments after experiments. In this way thousands of rupees are wasted. People generally are not benefited by this department. Therefore this department should be reformed. There are about five or six Deputy Directors. I understand that only one Deputy Director is an Indian and others are European. Of course there are two men of the Provincial Service who are officiating in vacancies. Having regard to the fact that Indians are educated here and they have got the experience of the soil, climate, etc., and can be of better help to the people, they ought to be made Deputy Directors. It is useless to import Europeans from Europe. In respect to Bundelkhand I submit that it has got its own peculiar climate and soil. Therefore there ought to be one experimental farm and one Deputy Director ought to be attached to Bundelkhand who should improve the condition of agriculture there.

My next suggestion in this connection is that the Irrigation department, so far as the water-supply is concerned, should be connected with the Agriculture department. I make this suggestion because water is not given to tenants at the proper time. In the Banda district water has been issued by the Canal department at this time when the crop is ripe. My suggestion in this respect is that amins in the Canal department should be recruited from amongst those who hold the lower diploma of the Cawnpore Agricultural School. In regard, however, to Bundelkhand, the Agriculture department ought at once to introduce the bandi construction programme, as it is more profitable to that tract than ordinary irrigation.

I shall now take the liberty to make a few suggestions about the district of Hamirpur, which I represent in this Council. In that district there are certain forests which the Forest department has reserved for the purpose of growing babul. This information I elicited in reply to several questions that I put on the subject in the Council. The growing of babul has, however, done no good. The bark of it may be used for tanning, but at present these trees are doing a good deal of harm to people who live in those jungles. They are an abode for wild beasts, who damage the crops, and so I would request the Government to hand over the jungles in the district to their old masters. Further, in regard to the district board of Hamirpur, I would like to request the Hon'ble Minister in charge of Local Self-Government department to grant some money to it for roads and sanitary improvement. There is no municipality in Hamirpur district. Mahoba, an ancient town, with a population of over ten thousand people, is only a notified area. I shall request the Hon'ble Minister to raise it to the status of a municipality. While I am on this subject I may say a word about the Jaitpur town area. This town area has been thrust down the unwilling throat of the people of Jaitpur. They do not want it at all. They are an agricultural people, and so I would ask the Hon'ble Minister to abolish it at once.

[Thakur Har Prasad Singh]

I now turn to industries. The Department of Industries has also not done any good to the province at large. It is well known that agriculturists are occupied with their agricultural operations for about five months, and for the remaining seven months in the year they have nothing to do, with the result that in their leisure moments they are prone to do some sort of mischief. So it is very very necessary that cottage industry should be introduced in the province at once. Before fifty years these people were engaged in other local business, because I find that even in Bundelkhand, where it is now said that sugarcane cannot be grown, sugarcane stone mills are found lying. All these people everywhere were engaged in their own industries, but in these days when cloth is imported from foreign countries these people have to sit idle, simply depending upon the produce of agriculture and that produce is not sufficient for them. It is very necessary that charkha, handlooms and other cottage industries should be introduced at once. It is useless to spend money over leather skins, over carpentry schools and other industrial departments. There are two or three carpentry schools I have seen two or three students of the Bareilly Carpentry School. Our district board sent one or two students. When they came out of the school they proved an utter failure. They could not carry on their work unless they were provided with the tools with which they worked at the carpentry school. They could not work with the ordinary tools of our villagers. I will request the Hon'ble Minister in charge of Industries to take immediate steps towards the establishment of cottage industry introducing charkha in villages. Charkha is a thing the utility of which cannot be denied by anybody who has studied it thoroughly. I am a firm believer of charkha and I do it practically. I know that if these villagers are put to charkha and their time and energy which are at present lost and cannot be utilized because we have got no work for them, are utilized in putting them to charkha they will be able to double their income and they will be self-supporting in every way. Charkha is the only instrument which can be introduced at this time. Charkha should be and can be encouraged in many ways. At least those departments which are under the control of the Hon'ble Ministers, that is which are said to be transferred departments, can at least issue orders to their subordinates that all officials or servants engaged in those departments should wear khaddar, and if this is done that will encourage, that will create a demand for khaddar and many people will take up charkha and in this way charkha industry will be improved. There are other industries. There are many rivers in the province. Seep is found in them and button-making industry can be developed. There are other industries also like basket-making which can be introduced very easily. I hope the Hon'ble Minister in charge of Industries will take steps to encourage these industries. Cottage industry should, in my opinion, be taken up first in hand and then other industries should be developed. I know that there are industries on which money is nowadays spent, but they are of no use to the people in general. They are meant for capitalists. They are not meant for people in general. Cottage industry is the best form of industry which can help and improve the condition of the peasantry. With these words I conclude my remarks on the budget.

The Council was then adjourned to the following day.

# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Saturday, 14th March, 1925.*

The Council met in the Council Chamber, Lucknow, at 11 a.m.  
The Hon'ble the President in the Chair.

## PRESENT:

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. H. David.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Jai Narayan Chaudhri.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Bahadur Pandit Kharagjit Misra.  
Babu Nemi Saran.

Chaudhri Badan Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Jhanni Lal Pande.  
Thakur Har Prasad Singh.  
Pandit Sri Krishna Dutt Pahlwal.  
Babu Parsidh Narayan Anad.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Rai Bahadur Thakur Mashal Singh.  
Babu Sita Ram.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Naim Ansari.  
Mr. Muhammad Aslam Saifi.  
Khan Bahadur Chaudhri Amir Hasan  
Khan  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf.  
Mr. St. George H. S. Jackson.  
Lala Mathura Prasad Mehrotra.  
Raja Jagannath Bakhsh Singh.  
Dr. Ganesh Prasad.

## QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

#### NEW POSTS IN SECRETARIAT.

\*1. **Babu Mohan Lal Saksena:** Will the Government be pleased to state the number of new posts created in the Secretariat during the last two years as well as their emoluments? Will it also state their necessity?

**The Hon'ble Mr. S. P. O'Donnell:** A statement is laid on the table.

STATEMENT REFERRED TO IN THE ANSWER TO STARRED QUESTION  
No. 1 FOR THE 14TH MARCH, 1925.

*Additional appointments created in the United Provinces Secretariat  
during the financial years 1923-24 and 1924-25.*

Appointment.	Pay.	Grounds for making the appointment.
	Rs.	
(1) Additional Deputy Secretary to Government, Finance department.	1,200—60—1,500	The work is more than can be managed by one Deputy Secretary.
(2) Librarian .. ..	250—10—350	To reorganize the library and the record-room.
(3) Care-taker .. ..	100	} To look after the grounds of the public offices situated on the Queen's Road, Allahabad, and the gardens. The <i>malis</i> were transferred from the Government Gardens, Allahabad, to the Secretariat.
(4) <i>Mali</i> .. ..	16	
(5) <i>Mali</i> .. ..	18	
(6) Stenographer .. ..	150—10—200	} For the additional Deputy Secretary to Government, Finance department.
(7) Peon .. ..	18	
(8) Peon .. ..	12	
(9) Ferrotyper .. ..	19	On account of the expansion of the drawing office of the Public Works department, Irrigation Branch Secretariat, due to the amalgamation of the Superintending Engineers' offices with the Secretariat.

#### NEWSPAPER BRANCH OF THE CRIMINAL INVESTIGATION DEPARTMENT.

\* 2. **Babu Mohan Lal Saksena** : Is the permanent Newspaper branch being transferred to the Secretariat ?

**The Hon'ble Mr. S. P. O'Donnell** : The honourable member is referred to the answer given to starred question No. 56 for the 26th February, 1925.

*Starred question No. 56 and answer given to it at the Council meeting of the 26th February, 1925, referred to in the answer to starred question No. 2 for the Council meeting of the 14th March, 1925.*

\* **Hafiz Hidayat Husain** : What arrangements does the Government propose to make for carrying on the work done by the Publicity Bureau after the abolition of the department ?

**The Hon'ble Mr. S. P. O'Donnell** : The old Newspaper branch will be revived as part of the Secretariat establishment.

\* 3. **Babu Mohan Lal Saksena** : Will the Government be pleased to state the number of permanent translators of the Newspaper branch of the Criminal Investigation department that have been retained since the transfer of newspaper work to the Publicity department about two years back ? Will it also be pleased to state the reason for their retention ?



**The Hon'ble Mr. S. P. O'Donnell :** Five. They were needed for the ordinary work of the Criminal Investigation department. The number is being reduced to three from 1st April, 1925.

**POLITICAL TRANSLATION WORK IN THE CRIMINAL INVESTIGATION DEPARTMENT.**

\* 4. **Babu Mohan Lal Saksena :** (a) Is it a fact that the political translation work besides newspapers is still going to be retained in the Criminal Investigation department?

(b) If so, will the Government be pleased to state the total cost of staff that will be required to do work in the Criminal Investigation department?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (a) Yes.

(b) The present strength is five translators and one typist at a total monthly cost of Rs. 635. Proposals to reduce the cost to Rs. 404 per mensem are under consideration.

It should be noted that there has been a Political Translation branch of the Criminal Investigation department throughout the existence of the Publicity department.

**MEMORIALS FROM CLERKS OF CERTAIN DEPARTMENTS.**

\* 10. **Babu Mohan Lal Saksena :** With reference to the Government answer to starred question No. 62 of the 28th January, 1925, will the Government be pleased to state if it has passed any orders on the memorials referred to therein? Will the Government also state the reasons for which the memorials from the clerks of Public Works department (Irrigation Branch) and from those of the subordinate civil courts were rejected?

**The Hon'ble Mr. S. P. O'Donnell :** (1) No orders have yet been passed on memorials from the clerks of the Agriculture department and Public Works department, Buildings and Roads branch. In the other two cases the memorials have been rejected on the ground that the memorialists had not made out a strong enough case to justify treating them differently to clerks in other departmental offices.

(2) The memorial of the subordinate civil courts clerks was rejected in 1921, as there had been a general increase of pay in 1920 and no reasons existed for revising the pay again so soon. The memorial of the Public Works department, Irrigation Branch clerks was rejected because the cost of granting the petition would be prohibitive. The pay of the Branch was, however, raised to correspond to that in force in the Buildings and Roads Branch.

**CASTE RESTRICTIONS IN CERTAIN DEPARTMENTS.**

\* 13. **Babu Mohan Lal Saksena :** Will the Government be pleased to state if there are any instructions to the effect that persons belonging to certain castes should not be taken into service in certain departments? If so, will the Government be pleased to state the names of such castes as well as departments into which they are not to be taken?

**The Hon'ble Mr. S. P. O'Donnell :** Restrictions exist only in the Police and Jail departments. The rules for the police are contained in paragraph 337, Police Regulations, a copy of which is laid on the honourable member's table. The rules for the recruitment of jail warders state that

“men of low caste shall not be recruited,” but no names of castes are given.

*Copy of paragraph 337 of Police Regulations, referred to in answer to starred question No. 12 for the Council meeting of the 14th March, 1925.*

337. Members of criminal tribes and wandering gangs shall not be enlisted; Brahmans shall not be enlisted in the armed or civil police of any district where they already number more than 10 per cent. in the armed and 5 per cent. in the civil police. Kayasths and Banias should seldom be enrolled. Enlistments from classes such as those mentioned below should, as far as possible be avoided :—

Baheliya.	Darzi.	Hajjam.	Kunjra.
Barai.	Dhanak.	Kalwar.	Mal.
Bhangi.	Dhuniya.	Kasai.	Mazbi.
Bharbhunja.	Domra.	Khatik.	Mochi.
Chamar.	Garariya.	Kori.	Pasi.

Recruits should be sought among the following classes :—

<i>Hindus.</i>	<i>Muhammadans.</i>
Gujars.	Punjab Muhammadans.
Ahirs.	Pathans.
Gurkhas and other hill-men.	Saryids.
Jats.	Shaikhs.
Rajputs.	Julaha (for the armed police only).
Sikhs.	

Provided that—

- (a) Muhammadans shall not be allowed to absorb more than one half of the appointments;
- (b) In the armed police at least 10 per cent. of the force should, if possible, be composed of Sikhs and Gurkhas or other Punjabis and hill-men;
- (c) In the civil police men of the United Provinces shall be employed in preference to men from other provinces;
- (d) Julaha recruits for the armed police should be sought for from members of this caste resident in rural tracts, and a high physical standard should be insisted upon. They should not exceed more than 10 per cent. of the total number of Muhammadans in the armed branch.

No educational test is at present prescribed, but in recruiting for the civil police preference should be given to men who can read and write. Men shall not be classed as literate unless they know both Urdu and Hindi.

#### ADMISSION TO *Ram Lila* FAIR, HATHRAS.

\* 14. **Pandit Brijnandan Prasad Misra** : Is the Government aware that the Sub-divisional Magistrate of Hathras (district Aligarh) restricted admission of people to the *Ram Lila* fair on the 7th October, 1924 by the issue of badges? If so—

- (a) why did he do so, and was this done at the request of or in consultation with anybody or association, or at his own instance;
- (b) was Lala Peare Lal (nephew of Lala Sagar Mal) one of those who was refused admission for absence of the badge?

**The Hon'ble Mr. S. P. O'Donnell:** No. The badges were issued by the *Ram Lila* Committee and not by the Sub-divisional Magistrate.

(a) Does not arise.

(b) Yes by the committee.

Lala Sagar Mal's motives appear to have been of a questionable character. When he protested to the Sub-divisional Magistrate, the latter referred him to the *Ram Lila* Committee.

\* 15. **Pandit Brijnandan Prasad Misra:** Is it a fact that the Sub-divisional Magistrate of Hathras ordered the local police to take possession of the revolver and accompanying materials of Lala Sagar Mal Bagla some time after the *Ram Lila* fair of the *Dasehra*? If so—

(a) why was this order passed? Was the licence of the holder suspended or cancelled by this order;

(b) by whom was the original licence granted;

(c) what is the status of the licence-holder?

**The Hon'ble Mr. S. P. O'Donnell:** Lala Sagar Mal Bagla had already created some disturbance at the Hathras *Ram Lila*, and there was reason to believe that he proposed to repeat the performance at the Kans *Ram Lila*. The Sub-divisional Magistrate accordingly ordered him to deposit his revolver and licence temporarily. They were returned to him later by the District Magistrate on an assurance that no breach of the peace would occur.

(a) As above.

(b) By the authorities in Bombay.

(c) He pays income-tax to the extent of about Rs. 7,500.

**Pandit Brijnandan Prasad Misra:** What was the nature of the original performance?

**The Hon'ble Mr. S. P. O'Donnell:** I have already stated that he created some disturbance at the Hathras *Ram Lila*.

**Pandit Brijnandan Prasad Misra:** Did he use his revolver in the course of that disturbance?

**The Hon'ble Mr. S. P. O'Donnell:** Probably not.

**Pandit Brijnandan Prasad Misra:** On what date was the revolver returned to him?

**The Hon'ble Mr. S. P. O'Donnell:** That I do not know.

**Pandit Brijnandan Prasad Misra:** Was it not returned after my question was received?

USE OF THE WORDS "ADNA" AND "ALA" IN SETTLEMENT RECORDS.

\* 17. **Pandit Brijnandan Prasad Misra:** (a) Will the Government inform the Council if castes are denoted by words *adna* or *ala* in settlement or survey records nowadays in preparation in some of the Oudh districts?

(b) Did any caste make any representation against this heading to Government, and, if so, with what result?

**The Hon'ble Mr. S. P. O'Donnell:** (a) The words *adna* and *ala* are not used to denote castes in the revision of the record of rights now in progress in certain districts of Oudh.

(b) The words high caste and low caste were used in the rules issued by the Board for the guidance of roster officers in Oudh published in notification No. 626/I—634-C, dated 8th August, 1923, but on representations being received from certain associations roster officers were directed not to make use of these terms in their reports.

#### CASTE RESTRICTIONS IN POLICE DEPARTMENT.

\* 18. **Pandit Brijnandan Prasad Misra** : Is it a fact that the Police department maintains two lists, one of which lays down certain castes from which recruitment should be sought and the other castes which are to be avoided? If so—

- (a) is it a fact that these lists are not exhaustive and that there are certain castes the names of which are not included in any of the lists;
- (b) how do the officers act if and when a person applies for enlistment to Police service who belongs to a class or caste which is not named in either list?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : The answer is in the affirmative.

(a) The lists are not exhaustive and are not intended to be so.

(b) In such cases officers are free to use their own discretion.

**Pandit Brijnandan Prasad Misra** : Are Kurmis not excluded from the Police service?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : I have no information.

**Pandit Brijnandan Prasad Misra** : Will the Government be pleased to inquire why Kurmis have been excluded from this service?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : Discretionary powers have been given to the officers in the district and if they think it fit to select a Chamar or Bhangi for any particular post, they are allowed to do so.

**Mr. Mukandi Lal** : Is it a fact or not that there is a list in the Police Manual laying down that only certain castes should be taken in the Police service?

**The Hon'ble the President** : The answer is already there that there is such a list.

**Mr. Mukandi Lal** : Will the Government delete that list from the Police Manual?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : There is no absolute exclusion.

**Mr. Mukandi Lal** : The Manual does not say so.

**Pandit Govind Ballabh Pant** : Is there a partial exclusion?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : The rule says that usually recruitment for the Police service should be made from certain castes, but it is not absolutely necessary that recruitment should be made from those castes only and not from other castes.

**Mr. Mukandi Lal :** Why should such a list be maintained for the Police service alone ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Because special qualifications are required for this service and especially literacy is the point at present.

**Mr. Mukandi Lal :** Is it a fact that those castes are supposed to be under exclusion criminally ?

(No answer was given.)

**Pandit Govind Ballabh Pant :** Will the Government be pleased to state if any members of these excluded castes have been admitted into the Police service ? If so, how many ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I have no information.

**Pandit Brijnandan Prasad Misra :** The Hon'ble the Home Member has said that the police officers can, if they think fit, recruit a Bhangi or a Chamar, but these castes are excluded from these posts. Can the police officers recruit those who are excluded from these posts ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I have already said that there is no absolute exclusion.

**Pandit Brijnandan Prasad Misra :** I do not understand the Hon'ble the Home Member's last answer.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The honourable member can make it clear by putting further questions.

#### ZILADARS OF CANAL DEPARTMENT.

\* 19. **Pandit Brijnandan Prasad Misra :** (1) Has it been brought to the notice of the Government that the ziladars of the Canal department are discontented with the present method of selection for deputy magistrateship ?

(2) Is the Government considering any scheme for the selection of Canal deputy magistrates by means of a Board of Selection instead of by the present method ?

**The Hon'ble Mr. S. P. O'Donnell :** The honourable member is referred to the reply given to starred question No. 63 of the 16th December, 1924.

(Starred question No. 63 asked by PANDIT NANAK CHAND at the Council meeting of the 16th December, 1924.)

#### Question.

\* (a) Is the Government aware that there is a considerable feeling of dissatisfaction among ziliadars of the Irrigation department with the working of the present method of selection from their class to the rank of Deputy magistrate in the Irrigation department ?

(b) Will the Government be pleased to constitute a Selection Board for the purpose ?

#### Answer.

(a) No.

(b) Government does not consider this necessary.

## FOREST DISPENSARY, RAMNAGAR.

\* 20. **Pandit Brijnandan Prasad Misra** : Is it a fact that the Ramnagar Forest division maintains a dispensary with an assistant civil surgeon? If so—

- (a) what are the annual charges for its upkeep;
- (b) is there any other Government hospital;
- (c) what is the average annual cost of the upkeep of the Forest department dispensary;
- (d) in how many other Forest divisions are such departmental dispensaries maintained;
- (e) what is the actual number of patients treated by the forest surgeon of Ramnagar division;
- (f) is this surgeon allowed general private practice, and is this medical aid of the Forest department open to the general public of the place?

**Mr. F. F. R. Channer** : No, but the dispensary which the Forest department maintains at Ramnagar was in charge of an assistant civil surgeon who has now under the orders of Government been replaced by a sub-assistant surgeon.

(a) The average annual charges to the end of the year 1924-25 are expected to be about Rs. 8,000.

(b) There is a district board dispensary.

(c) Has already been replied to under (a).

(d) There are such departmental dispensaries in four other Forest divisions.

(e) The actual numbers of patients treated are—

1922	...	...	...	...	3,146
1923	...	...	...	...	9,633
1924	...	...	...	...	3,113

(f) The assistant surgeon was allowed general private practice up to March, 1924 and the dispensary was open to the general public. Since March, 1924 the work of the dispensary has been confined to treating forest cases only and the assistant surgeon has not been allowed to take private practice.

**Pandit Brijnandan Prasad Misra** : With reference to (e) what are the reasons which prompted the Forest department to keep a separate dispensary there when the district board dispensary is already there?

**Mr. F. F. R. Channer** : We desired that the doctor should be free to go into the forests. Whenever any epidemic occurs, such as cholera, influenza, etc., it is of great assistance.

**Pandit Govind Ballabh Pant** : How many of the patients treated by the assistant surgeon in charge of the Forest dispensary belong to the Forest department?

**Mr. F. F. R. Channer** : I cannot say exactly, but I take it that the number was about 3,000, i.e., the number in 1924, because after 31st March the doctor was not allowed to take private practice.

**Pandit Govind Ballabh Pant** : There is no question of private practice. Could not members of the public attend the dispensary?

**Mr. F. F. R. Channer** : No.

**Pandit Govind Ballabh Pant :** It is not open to them ?

**Mr. F. F. R. Channer :** No.

**Pandit Govind Ballabh Pant :** How many epidemics were there last year ?

**Mr. F. F. R. Channer :** Fortunately we had none last year.

**Pandit Govind Ballabh Pant :** Are there not travelling dispensaries which can be deputed for the purpose of epidemics ?

**Mr. F. F. R. Channer :** We have now converted the Ramnagar forest dispensary into a travelling dispensary with a sub-assistant surgeon in charge.

**Pandit Govind Ballabh Pant :** Will the Government agree to give additional grant to the district board and close this forest dispensary so that there may be a combined dispensary for both ?

(The Hon'ble the President proceeded to the next question.)

#### PENSIONS FOR COPYISTS.

\* 21. **Pandit Brijnandan Prasad Misra :** Has the Government abandoned the experiment of paying the copyists at piece work rates ? If so, will the Government now give effect to the Council resolution recommending that posts of assistant copyists be made pensionable, and will the Government have these copyists graded with the rest of the staff in the interest of efficient work ?

**The Hon'ble Mr. S. P. O'Donnell :** Yes. Government proposes to give effect to the resolution recommending that these posts be made pensionable as soon as financial provision can be made. The question of grading copyists with the rest of the staff will be considered.

**Mr. Mukandi Lal :** Has any provision been made in the budget for 1925-26 ?

**The Hon'ble Mr. S. P. O'Donnell :** No.

**Mr. Mukandi Lal :** When does the Government propose to do it ?

**The Hon'ble Mr. S. P. O'Donnell :** That I cannot say.

#### REGISTRATION OF THEFT CASES AT PILIBHIT.

\* 22. **Pandit Brijnandan Prasad Misra :** Is it a fact that station officers in the Pilibhit district avoid entering theft cases in police diaries and cases of similar nature such as robbery and dacoity ? If not, what is the number of reported cases of the aforesaid nature since the present Superintendent of Police took charge and the number of similar cases for the corresponding preceding years before his arrival ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** All cognizable cases reported to the police are registered, but diaries are not prepared unless the offence is investigated. As the honourable member will see from section 157 of the Criminal Procedure Code and paragraph 95 of the Police Regulations, not all cognizable cases are actually investigated.

The second part of the question is not understood. If the honourable member will indicate precisely the information required, it will be furnished.

**SUPERINTENDENT OF POLICE, PILIBHIT.**

\* 23. **Pandit Brijnandan Prasad Misra** : Is it a fact that the District Magistrate of Pilibhit had recommended that the term of service prior to retirement of the present Superintendent of Police of Pilibhit be extended ? If so—

- (a) what reasons were advanced by the recommending officer ;
- (b) does the Government propose to extend the present Superintendent's term ?

**The Hon'ble Mr. S. P. O'Donnell** : No such recommendation has been received from the District Magistrate of Pilibhit.

(a) Does not arise.

(b) The officer at present officiating as Superintendent of Police, Pilibhit, intends to proceed on leave preparatory to retirement before attaining the age of 55 and no question of extension therefore arises.

**Pandit Brijnandan Prasad Misra** : When does he attain the age of 55 years ?

**The Hon'ble Mr. S. P. O'Donnell** : Next March.

**DHARIWAL AFFAIR, MUZAFFARNAGAR.**

\* 26. **Pandit Brijnandan Prasad Misra** : (a) How did the Crown prosecutions in the Dhariwal cases, Muzaffarnagar district, ultimately end ?

(b) What action did the Government take upon the report of the deputy magistrate who was deputed to make inquiries in the Dhariwal affair ?

**The Hon'ble Mr. S. P. O'Donnell** : (a) Twenty-four accused were convicted in the Sessions Court, but all were acquitted by the High Court on appeal.

(b) The report was scrutinized by the Government's legal advisers and no action was found to be necessary.

**BOLSHEVIST CONSPIRACY CASE, CAWNPORE.**

\* 34. **Thakur Manjit Singh Rathor** : How much did it cost the Government to prosecute the four Bolsheviks of what is known as the Cawnpore Bolshevik conspiracy case ?

- (a) How much in lawyers' fees, etc. ?
- (b) How much in miscellaneous expenses ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : The honourable member is referred to the answer given to starred question No. 123 of the 10th September, 1924.

*Starred question No. 123 asked by PANDIT YAJNA NARAYAN UPADHYA SAHIB at the Council meeting of the 10th September, 1924.*

*Question.*

\* Will the Government be pleased to state what amount was spent in prosecuting the Bolshevik conspiracy case at Cawnpore ?



*Answer.*

\* This Government have no information.

**Mr. Mukandi Lal:** The answer given on that date was "This Government have no information." Has the Government since obtained any information on the point?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** It is not necessary. We have nothing to do with this case.

CASES AGAINST NEWSPAPERS.

\* 35. **Thakur Manjit Singh Rathor:** How many newspapers in the province were proceeded against (a) after the repeal of the Press Act, and (b) during the year preceding the repeal?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** (a) Since the 1st of April, 1922 up to date cases have been instituted against five newspapers under the Indian Penal Code. Two cases were subsequently withdrawn on apology, two were convicted, and one is still pending.

(b) During the year preceding the 1st of April, 1922 action was taken against two newspapers under section 108 of the Criminal Procedure Code. Security was ordered in both cases.

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THE AGRICULTURAL COLLEGE, CAWNPORE.

**The Hon'ble the President:** A communication has been received from the Government that two seats on the governing body of the Agricultural College, Cawnpore, had been allotted to non-official members of the Legislative Council. The terms of the present representatives, Rai Bahadur Babu Vikramajit Singh and Rai Bahadur Thakur Mashal Singh, who were appointed under a notification, dated the 25th April, 1923, expire on the 31st March, 1925. It is therefore asked that steps be taken for the election of two non-official members of the Council on the governing body of the college for a further two years.

Rai Bahadur Babu Vikramajit Singh.

Rai Bahadur Thakur Mashal Singh.

Proposed by Rai Bahadur Thakur Hanuman Singh.

Seconded by Mr. Muhammad Aslam Saifi.

**The Hon'ble the President:** The two members proposed and duly seconded are Rai Bahadur Thakur Mashal Singh and Rai Bahadur Babu Vikramajit Singh—the same who were members before. As there are only two members nominated and two vacancies, their names will be reported to the Government.

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THE BUDGET, 1925-26.

GENERAL DISCUSSION.

**Mr. Zahur Ahmad:** While observing all the canons of courtesy in complimenting and congratulating the Hon'ble the Finance Member and his colleague, the Finance Secretary, for taking great care in compiling with cleverness the budget and the statement which the Government has put before us, I am sorry I am unable to proceed any distance with the

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Hon'ble the Finance Member in his anxiety to increase the receipts. Since the presentation of the budget and the financial statement in this Council the partial remission of the provincial contribution by the Government of India has materially improved the financial position of these provinces. If we carefully examine the budget we find that with the remission of 56 lakhs and with the deficit of 27 lakhs as shown in the budget we have a clear saving of 29 lakhs. That is one way of accounting. There is another way of accounting, and it is this. The Hon'ble the Finance Member has proposed to borrow like the proverbial prodigal 43 lakhs from the Government of India and to live on borrowing and not to cut the coat according to the cloth, and he has further proposed to realize 7 lakhs by the extension of the tyranny of the Stamp Act for a further period of one year; if we deduct these 50 lakhs from the 56 lakhs, we can have a saving of 6 lakhs. In both the cases we can have a saving. For instance, if we deduct the deficit of 27 lakhs as shown in the financial statement of the Hon'ble the Finance Member from 56 lakhs, then we have a saving of 29 lakhs in our hands, or if we do it in another way, namely, if we take out 43 lakhs (the proposed loan) and 7 lakhs of the Stamp Act, we can still have a saving of 6 lakhs. This Council like its sister bodies is blessed with a sufficiency of lawyers, and I feel certain that most of the members of the House are really against the extension of grinding tyranny of the Stamp Act knowing full well how heavy it falls on the poor litigants. I am not under any circumstances prepared, as I said last year when the Bill for the extension of the Stamp Act was moved, to give it another extension. I most humbly submit therefore that in any case I am positive this House is not going to extend the duration of the Stamp Act for another year. Any fresh taxation in this province over and above the disaster of the floods will be very hard indeed, and in view of the fact that we have got this remission of 56 lakhs it is not wise for this Council to extend the period of the Stamp Act. But I see from the Bill which was circulated yesterday to us and from the date fixed as the 30th March for the introduction of the Bill that the Hon'ble the Finance Member, in spite of this remission from the Government of India, is really anxious to see the duration of the Stamp Act extended. It might be that he wants to enter into an emphatic and active protest against the action of the Government of India in allowing us only a very inadequate, unsubstantial remission of the provincial contribution compared with other provinces by extending this tyranny of the Stamp Act on the masses of these provinces in order to prove it as an eye-opener to the Imperial Government. But in any case I will not ask the Council under any circumstances, whether in the form of a deposit ear-marked for certain beneficent purposes as suggested by the member for Bulandshahr or otherwise, to extend this tyranny for another year. In view of all this, Sir, we have to consider how we stand. I agree with my learned friend the member for Garhwal that the budget as placed before us is a budget of bankruptcy. There is no doubt we have exhausted all our reserve funds; we have really spent a large amount of money from the Famine Insurance Fund; we have practically spent away the United Provinces Development Loan. No doubt as we stand at present we are in a very bad financial position, but I do not agree with those members who say that our financial position is critical. If we with due care to economy and efficiency, not only

efficiency but economy and efficiency both, use the pruning knife as we did last year in exploring old items of the budget and also in finding ample scope which certainly exists in the new items of expenditure which amount to 30 lakhs, I am positive, Sir, that by acting like business-men and putting our heads together we can make position very bright. If we only have fear of poverty and not shame of it, we can considerably improve our financial position. I would most humbly submit for the consideration of the House the fact that we are not at present prepared in this disastrous state of our financial position to vote for very heavy expenditure in the budget. I will begin from demand No 25 and say that the Bahadurabad electric scheme which provides for one lakh of expenditure—in view of our financial position this new expenditure could very easily stay over for a year. In the same manner I say, Sir, that Rs. 42,000 is allowed for the increase in emoluments and numbers of employees in the Excise department—that could also wait for a year. I really believe that the House will not be dreaming of illicit smugglers and illicit distillers, but will be glad, and I hope the Hon'ble the Finance Member will also be glad, of increased sobriety in the people of the provinces and that they were turning over a new leaf in the moral book owing to the efforts of the public-spirited persons belonging to this side of the House and will welcome the day when the country goes absolutely dry without a single farthing of income from liquor. I think the Hon'ble the Finance Member will agree with me when I say that we will welcome the day when his colleague, the Hon'ble Minister for Industries, will introduce an Anti-Drinking Bill with the same alacrity and promptness as he introduced the Anti-Opium Smoking Bill. I would be glad to see that day in the régime of the present Minister of Industries, and I would like to see him coming forward with greater enthusiasm and zeal with an Anti-Drinking Bill in this Council in order to abolish all income from Excise than that displayed by him in connection with Anti-Opium Smoking Bill. Passing on, Sir, I come to another item in the items of new expenditure and I fail to see why Rs. 17,000 has been provided for the reconstituted Newspaper branch in the Secretariat. Most of us are aware that the whole nucleus staff of the Newspaper branch is sitting idle waiting for work in Criminal Investigation department, and then over and above that we see Rs. 17,000 has been provided for the reconstituted Newspaper branch in the Secretariat. I really fail to understand this duplication of expenditure, and I would be glad to be enlightened on this point by the Hon'ble the Finance Member.

Then I find that another Financial Deputy Secretary, at the expense of Rs. 17,000 a year, is being appointed. The work can very easily be accomplished by a Superintendent, and thus we can have a saving of Rs. 11,000 a year.

Then, Sir, coming to the administration of justice, a very important head indeed, we find that under the head "criminal courts" there is an increase of 3 lakhs. At this stage I would like to bring to the notice of the Hon'ble the Home Member with all possible humility and at the same time with all the force I can command that justice as administered in this province by the criminal courts is not justice but miscarriage of justice. I will explain my meaning by an illustration. Take the cases under section 110, Criminal Procedure Code. My learned friend from Naini Tal and my learned friend from Budaun who is absent will bear me out when I say that sub-divisional magistrates and city magistrates commit such miscarriage of justice, that those who are aware of all the

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blunders which are committed in the name of administration of justice will bend their heads with shame. What is it? I know of cases where one member of the district board of Naini Tal and a member of the municipal board of Ujhani are being shadowed and harassed by police under section 110. Why? For the simple reason that they are persons who are not on good terms with the police there.

**The Hon'ble the President :** Are these in courts now ?

**Mr. Zahur Ahmad :** Not in the courts now.

**The Hon'ble the President :** I think there should be no reference if the cases are to come before the courts.

**Mr. Zahur Ahmad :** They might come after ten years or fifteen years or twelve years if the police make up their mind to run in these men. At present history sheet of these gentlemen is opened. In cases where people are asked to give sureties under section 110, in spite of giving their sureties they are sent to jail and detained there on the pretext of verification of surety bonds. This procedure is unwarranted by law.

**The Hon'ble the President :** The honourable member has got one minute more.

**Mr. Zahur Ahmad :** I will say a few words about honorary magistrates, Sir, before I sit down. The way in which they are appointed and the way in which they administer justice are matters of great grief and concern. Most of them are illiterate and do not know how to sign their names, and they are the persons who are appointed to administer justice in those very muhallas in which they stood as candidates and were defeated; they are appointed as honorary magistrates to sit on judgment in the cases of those who either voted against them or are their bitterest enemies or are the greatest canvassers against them. This state of things should not be allowed to continue, and I hope the Hon'ble the Home Member will see that these defeated members are not allowed to sit on judgment in the cases of those who have really voted against them or who live in those quarters in which they stood as candidates.

Leaving these two matters which concern the administration of justice, I come to two or three important points which concern Local Self-Government. I would draw the attention of the House to the question of adult voting. I hope the time has come when the Hon'ble Minister in charge of Local Self Government will see that the representatives elected are the real representatives of the people. The property qualification should not be adhered to and every adult person who is capable of knowing where to give his vote and to whom to give his vote should have the right to vote. Then there is the question of terminal tax. The octroi duty is very hard on traders and the terminal tax has already been enforced in several municipalities. But there are some municipalities which are still hesitating to enforce it, and I hope the Hon'ble Minister of Local Self-Government will kindly see that the terminal tax is enforced there forthwith.

I am trying to be very brief, Sir. There is one more important point, namely, the application of the Land Acquisition Act. There is very great grievance that some Improvement Trusts under the protection of the Land Acquisition Act really try to acquire certain muhallas in order to suit their

convenience and dehouse the whole population without making any arrangement for housing them. At some places under the pretext of denominational institutions the Land Acquisition Act is made use of and the whole compact population of a muhalla is scattered and dehouseed. It is a great grievance of the people in some cities that the Land Acquisition Act is applied not for the benefit of public institutions but for the sake of private persons, for the sake of private purposes. I hope these matters of great public importance will receive the due and prompt attention of Government.

Then there is the question of sanitation in municipal areas. The municipal funds, Sir, as the House knows, are not sufficient enough to meet all their requirements. All through the province the municipalities are living a life of hand to mouth. They have not got sufficient money to provide for the metalling of the roads, for the paving of streets, and for the sufficient supply of water, with the result that in the rainy season through the accumulation of water malaria and other epidemic diseases spread in many towns and cities. I humbly submit that large sums of money are really required in this connection to be given to the municipalities for the purpose of paving the streets and metalling the roads in different muhallas in order to avoid the collection of water and in order to prevent the prevalence of epidemics like cholera and malaria in these cities and towns.

Then there is the question of dispensaries and hospitals in rural areas which must be provided as soon as possible.

**The Hon'ble the President :** The honourable member should conclude here.

**Dr. Shafa'at Ahmad Khan :** I congratulate the Hon'ble the Finance Member on the very clear and lucid statement of receipts and expenditure of the provinces for the last year. A person has said that the finance member should be an artist in extortion, in order that he may be able to raise the maximum of revenue with the minimum of discontent. I think that our Hon'ble the Finance Member is an artist, and a very persuasive artist at that. I am sure, considering the difficulties which the Government experienced at the time of the floods, and the prompt aid which they gave to the affected areas, everyone who has had any experience of the administration of flood relief funds will be able to testify that the aid was prompt and effective.

The Hon'ble the Finance Member has said in his budget speech that the question of debts is a very important one. I agree with him there. I agree that the debt of the province needs very careful investigation, and my reason is this: about two years ago the Government utilized about Rs. 9,90,000 out of the United Provinces Development Loan. That, of course, as was pointed out by the Accountant-General, and would have been pointed out by anyone who has the least acquaintance with the rules laid down by the Government of India, was completely against all canons of sound financial policy. I think this ought not to have been resorted to. The next important point to which I should like to draw the attention of the Council is the utilization of the amount from the Famine Insurance Fund. That was done last year. Suddenly, one fine morning Government discovered that that amount should be utilized out of the Famine Insurance Fund and this year I believe—I am, of course, speaking subject to correction by our great school master in budget times, Mr. Blunt—they intend to utilize the amount for that purpose out of the Famine Insurance

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Fund. I should like to know the reason why the Government suddenly discovered that that amount could be utilized and had not found that out years before.

The next important point is the question of loan. The Hon'ble the Finance Member has mentioned that he is going to raise a loan. I suppose the project has now dropped, because the amount which we will get from the Government of India will be more than sufficient for our needs. In any case that loan is mentioned and I should like to mention here that when we launch upon any loan, this Council has not got the same powers as we have got in the case of the ordinary votes for grants. The Council has no say with regard to the manner in which the loan can be raised, or with regard to the time within which it can be raised; so that, we, as it were, abdicate our authority in this most important matter.

In the next place, under section 72D of the Government of India Act, the Council is not allowed to vote on any question concerning the amount set apart for the payment of interest and sinking fund charges on loans. So that by this means also we lose the control over the department, as it were. Moreover, as the Finance Secretary probably knows, there has been considerable development in the policy of creating special loans or funds for special purposes which is, in my opinion, completely against constitutional Government. The House of Commons has not once, but several times, protested against this method. They actually passed one resolution in which they asserted that the House of Commons sees no reason for furnishing ways and means other than through constitutional practice, which means by entering an annual appropriation in the budget of expenditures. So that by raising a loan we simply tie our hands down, and we are not allowed that liberty which we ought to have.

The next point to which I should like to touch upon is the features of the budget. Some of the members may think that the budget is a detailed budget. I do not think so. I think a very large amount of the information which we have a right to demand is not really given to us. I will give you one example only. Take only one heading under Police. A sum of Rs. 60,00,000 is mentioned under the item "pay of the constabulary." Only this little bit of information is given and nothing else. We do not know how this constabulary is distributed among the different departments and different districts. Take again the General Administration department. This is a huge invertebrate item. Look up the details under clerks. There are lakhs given for clerks, but we do not know how they are distributed. We have absolutely no means of finding out according to what principle the number of clerks is set apart for each office or each branch of an office. So that I do not think that the budget which we get does really give sufficient information.

The next point is that the principle of what I would call the budgetary unity has not been followed at all. We have not had any budgetary equilibrium throughout the year. We have had six supplementary budgets last year—in January, in April, again last September, December and January and again last month. There are six altogether. Now, I admit that in some cases it is essential to have supplementary budgets. I will go further and say it will be impossible to carry on the administration without supplementary budgets on some occasions though not on all. The Hon'ble the Finance Member, when I opposed the principle of supplementary budgets in January, mentioned that this was the

practice in England. I differ fundamentally from that view. I think that unless we put our foot down on the frequent presentation of supplementary budgets, we will be simply stultifying our proceedings. The Hon'ble the Finance Member said that that was the practice in England. I have gone through the English budgets for the last twenty years. Since 1887 down to 1912 even further, say, 1913. From that time down to 1912, if the Hon'ble the Finance Member will investigate he will find that except during the time of the Transvaal War there were very few supplementary estimates worth the name; in 1892 one of the ablest Chancellors of the Exchequer, Lord Goschen, mentioned that a fact which redounded to the credit of the Government was that the supplementary estimates had been reduced to insignificant proportions. The proportion which the supplementary estimates in that year bore was one-two thousandth part of the ordinary budget. Compare that with our supplementary estimates here, and see how many times we get them, and for how much.

The next evil which I should like to point out is the evil of re-appropriation. That also has been resorted to and very frequently so. Now, against that we must protest and that is far more important than even the presentation of supplementary budgets; because in the first place it leads to over-estimating of expenditure; in the next place, there is a tendency on these occasions to shift and move about figures from one item to another item. In the third place the Government knows that whenever they present demands for appropriation the Council is not by any means in so critical a mood as in the ordinary budget time. Again, in the proper budget time every item has to go through a sort of competitive examination, and every proposal is put to a severe test. But when the budget time is past, all the other items have to only pass a simple examination, and they are smuggled in the supplementary estimates. So, on these principles I oppose the supplementary budgets and the re-appropriation also.

The next great evil which I would like to point out is the evil of excess grants. That became apparent only this year, but it had been pointed out by the Accountant General last year. To my mind, this is one of the most serious mistakes that any financial administration could commit. Only last February it was pointed out that the amount which had been spent in excess of the sanctioned figure was more than 12 lakhs. I hope the Finance Secretary will correct me if my figures are wrong. Now, that again it seems to me, is an abuse of the powers of the Government. I think they ought to have taken adequate, sufficient, and substantial precautions against this danger.

The next point that I should like to mention is that adequate control is not exercised by the Heads of department. That, again, is clear enough. I need only refer to the proceedings of the Public Accounts Committee of the Assembly. There, if the honourable members will go through the proceedings and the evidence of Mr. McWatters, Secretary of the Finance department of the Government of India, they will find that it was admitted that the control exercised by the departments was comparatively slack.

I may draw your attention to the scheme propounded by Sir Frederick Gauntlett and suggested also, I believe, to this Government, has not, to my knowledge and belief, been carried out yet. Mr. Blunt will be able to throw some light on that point. The scheme was mentioned by Sir Frederick Gauntlett last year in the meeting of the Public Accounts Committee.

**The Hon'ble Mr. S. P. O'Donnell:** We are trying that experiment in this province.

**Dr. Shafa'at Ahmad Khan:** I am very glad to hear from the Hon'ble the Finance Member that the scheme is going to be carried out in our province, which is the first province to try that experiment.

My next point is that the Public Accounts Committee has now become virtually a farce. People might think that this is too strong a language, but I am speaking from experience and I say that the object with which the Public Accounts Committee was instituted has not been realized. The object was that the Public Accounts Committee should exercise real control over the way in which the budget that has been sanctioned by the Council is executed. Now, so far we have had only two meetings. These meetings were held for about an hour and a half each in one year. Now you can find out yourselves if anything can really be done by a body which meets only twice a year for an hour and a half on each occasion and which tries to scrutinize the execution of the budget by the Government. Contrast this with the method adopted by the Central Public Accounts Committee. They met twelve times in the year. Each time they met for three to four hours. That was not all. They interviewed and cross-examined every Head of the department whose case was brought to their notice. They also formulated proposals which were sanctioned by the Government of India. The Government of India in their resolution No. 37-A., dated the 15th January, 1924, agreed to the principle enunciated by the Public Accounts Committee. So what we should like to do and what I would press and press most strongly is the reconstruction of the Public Accounts Committee, in order that it may become really an effective body, and exercise regular and constant control with regard to the way in which the amount sanctioned by us is expended.

I will sum up my suggestions. My first suggestion is that an Estimates Committee of this House should be formed in order that it might go very thoroughly into the expenditure of a large spending department, say, Forest or the Secretariat. I know that Mr. Blunt will oppose it. He has mentioned in his note on the Financial Administration that the Estimates Committee which had been formed by the House of Commons had proved a failure. But I do not agree with that view. He has based all that upon Hilton-Young's work on Finance.

**Mr. E. A. H. Blunt:** No, I hold that view after my personal inquiry which I made.

**Dr. Shafa'at Ahmad Khan:** Then our opinions about the worth of the committee differ, and I do not agree with the view which Mr. Blunt holds. I think this committee does really do very useful work. In this connection I will also mention that the Auditor-General or the Accountant-General, Sir Frederick Gauntlett, himself suggested that some one branch (say, the Civil Secretariat) might be taken up for special investigation by the public Accounts Committee. In the next place I would suggest the overhauling of the Public Accounts Committee. In the third place I would suggest the preparation of the budget in greater detail. We do not want a number of suspected items to be smuggled in somehow or other. Besides, I would suggest that in order to make the scheme of loans efficacious, the Government must formulate a consistent policy. I need only refer to the policy announced by Sir Basil Blackett in his budget speech in paragraphs 34 to 36 of his budget speech this year. He



mentions that he discussed the project at the meeting of the Finance Members last year. The Hon'ble the Finance Member may be able to throw some light on the matter. This was also discussed in the year before, i.e. in 1923. That is, of course, with regard to the policy adopted by the Government of India. So far as our province is concerned, we ought also to try to reduce the amount of our debt. But if we do not, we will go on paying a very large amount of interest. In whatever way we may reduce the amount of the budget, the interest on the debt will go on increasing by leaps and bounds. We must, therefore, do our best to pay off the entire debt within five years.

**Dr. Ganesh Prasad:** I wish to express my appreciation of the ability which the Hon'ble the Finance Member and his colleague, Mr. Blunt, have displayed in placing before us with success, immediately after a period in which disasters of almost unprecedented severity overtook us, a budget with such a comparatively small deficit as 28 lakhs. I came here last year with practically no knowledge as to how budgets of provinces are prepared or how they are properly understood. Of course my experience in two universities of these provinces as member of their Finance Committees had given me some idea as to how university budgets could be prepared and dealt with, but there is a world of difference between the budget of a university and the budget of a Governor's province like these provinces. If I am able to understand something of the complexities of the budget presented to this honourable House on the 28th February, I must say that it is to a very large extent due to what I have learned from the Hon'ble the Finance Member and Mr. Blunt. While speaking about the Finance department I want to make a brief mention of the way in which my old pupil, Pandit Suraj Din Bajpai, has been of help to every member of the Finance Committee. I think I am voicing the sentiments of all my colleagues of the Finance Committee when I say that he is justly very popular with them.

Sir, there is one more point about which I wish to say something before I go on to discuss certain items of the budget. We hear a lot about the attitude of the Finance Members towards their honourable colleagues the Ministers in the various provinces. In the United Provinces it is said—and I have no inclination to disbelieve the truth of it—that such a masterful personality as my distinguished and old friend Mr. C. Y. Chintamani, suffered at the hands of the Hon'ble Mr. O'Donnell. Whatever might have been the case in the year 1923, I am absolutely sure that the attitude of the Hon'ble Mr. O'Donnell has completely changed towards the departments which are in the transferred field. I am not going to disclose the secrets of the Finance Committee, because I am precluded under the rules from doing so; but I must state here that there are items relating to transferred departments which have been almost unanimously rejected by the Finance Committee and yet they figure in the budget. That shows the change of front on the part of the Hon'ble Mr. O'Donnell.

Whether that change of front is due to an acquisition of more virtue or is simply a piece of statecraft, I leave it to my honourable friends here to find out.

Coming to the budget, I may say at the outset that I am going to speak practically on the same lines as I took up last year. I am not a financial expert like my friend Dr. Shafa'at Ahmad Khan. I shall therefore restrict my remarks chiefly to primary education. The position in this country with reference to literacy is well-known. I think that my

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esteemed friend, the leader of the Swaraj party, was not very considerate when he took to task, if I may say so without any disrespect to him, the Hon'ble the Minister of Education for having left unexpended a certain amount of money. The question is whether the Government either here or in any other province in India has got any system for the spread of primary education: If there is a system, what are the fruits of it? I humbly submit that the Government has got absolutely no system. Nowhere has it got any system for the removal of illiteracy. It may have an educational policy, a land revenue policy, a forest policy, and sundry other policies, but in respect of the eradication of the evil of illiteracy, which is rampant in India, it has no remedy whatsoever. I have got here a book written by a scholarly member of the Indian Civil Service, viz., Mr. Edye, and lest my very esteemed friend Mr. Blunt might repeat the famous adage of last year about the classification of liars, I would respectfully invite his attention to the fact that he is himself not only the one statistician here but a patriarch in the hierarchy of statisticians; Mr. Blunt's name appears in almost every chapter of this book. Speaking about the extent of literacy, Mr. Edye says that in the census of 1911 there were 34 literates per thousand, while in the census of 1921 there were 37 per thousand. What a remarkable progress in the space of ten years! With regard to the cost of literacy in terms of public money, he says:—"Literates of the age period 10—20 found in 1921 represent roughly the effective output of the primary schools for the decade. These amount to 414,000. Direct expenditure incurred on primary education during the same period was about two and a half crores. The expenditure of the previous decade cannot have been much more than one and a half crores; the figure for 1901-2 was Rs. 14,16,000, and for 1910-11 Rs. 17,75,000. Literates of the age period 10—20 numbered 389,000 in 1911. In the decade 1910-11 the cost of production of a literate was therefore Rs. 40. In the present decade the corresponding cost of production has been Rs. 60. But the additional 25,000 literates produced have cost a crore, or Rs. 4,000 each." I should like my honourable colleagues to note specially the last sentence of this quotation. This is the statement of Mr. Edye. It has been based on facts and figures and I hope it will pass absolutely unchallenged. Mr. Edye points out that the total number of students who are receiving instruction in primary schools in these provinces comes to 848,000. If you will go through the figures for other countries you will find that in England and Wales the percentage comes to 16.52 of the total population. That is practically the whole of the school-going population in England and Wales. In Germany it is 16.30. In France it is 13.90. In Japan it is 13.07. In Ceylon it is 8.94. In Roumania it is 8.21. In India it is 2.38 and in this *Madhya Desh*, the great centre of civilization for thousands of years, the total number of pupils who are at primary schools comes to only 1.9 per cent. of the total population. This is after spending from year to year 71 lakhs or a similar sum provided for primary schools. I just ask my learned friends here. Is this the fruit of any system? I say that if there is any system whatsoever you would have been able to get much better results than this. With the greatest respect for the Government under whose protection I live I must say that it seems that there is a system. But that system is not for the spreading of literacy, but for checking the spread of literacy. I have got the report of a distinguished member of the Indian Educational Service, namely, Mr. Evan E. Biss of

Bengal and in a very outspoken manner Mr. Biss has described the danger of literacy. Now there are three dangers that have been pointed out here and I will just read them. The first danger which has received the blessings of the Bengal Administration Commission which was presided over by Justice Rowlatt, is that of "spreading among an eastern people a western education cut down to the lowest possible cost, with no regard to religious training, and with little regard to moral training." The second danger is that "if a peasant begins to read and to think he may become a prey to the unscrupulous agitator, and to add a discontented proletariat to a disturbed and disappointed middle class would indeed be folly." Then the third danger is that "unless our education confers the power of clear thinking and skilful action and is followed up by a supply of good reading matter, the irresponsible agitator will find the field prepared for his sowing." The question now is this, whether the Government is really in favour of the spreading of literacy. That is the question which I leave unanswered because I would not venture to formulate an answer to that. The Government must show that it is really in earnest, not by words, but by actual deeds and by showing the results obtained.

Further, it might be asked of me "What is your remedy for the evil of illiteracy?" I say, Sir, that my remedy is what I suggested in April last and what I suggested a few months ago. You must enlist the sympathies of those who are the religious leaders of the people not only because we are an eastern people and are more under the fascination of religion, but also because in other countries, even in the Occident, that has been the proper way to introduce mass education. Everyone knows that John Knox was the first man who introduced the idea of mass education in Scotland. In 1560 the Church Assembly in Scotland insisted that every man who claimed to be a follower of the Reformed Church must receive himself and must ask his relatives to receive some sort of elementary education. In 1524 Martin Luther sent out his famous letter to the German municipalities urging upon them the duty of providing schools and upon parents the duty of sending their children to school. Now, this pronouncement produced in course of time such a healthy public opinion in Germany that in 1763 Frederick the Great practically formulated his law of compulsory education. Similarly, in England, as has been observed by Sir Joshua Fitch, what has been done in the matter of public provision for the education of the people, "has been effected in different degrees by philanthropy, by private enterprise, by religious zeal, by ancient universities and endowed foundations, by municipal and local effort, and only to a small extent by legislation." The efforts of religious leaders like Dr. Bray, who founded in 1699 the Society for the Promotion of Christian Knowledge, of Wesley and Raikes who might be said to have founded in 1782 the Sunday School Union, and many others, resulted by 1858 in having nearly 14 per cent. of the total population in primary schools. And it was about 20 years after this state of affairs that compulsory education was introduced. You have in England compulsory education, by which, of course I do not mean compulsory education in a potency of one-thousandth or one-hundredth. By compulsory education I mean education which is based on an Act like the Act which was passed in 1876 in England, and which provides (1) that if any child is found to be not at school when he is of sufficient age to be at school, then his parents must pay a penalty, and (2) that if any employer has under his employment a child between the ages of 10 and 14 years not sufficiently trained in reading, writing, and arithmetic, then that employer

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must pay a certain penalty. I do not mean by compulsory education the compulsory education that we have introduced in municipalities or are going to introduce in municipalities or what my honourable friend the Director of Public Instruction probably wishes to introduce in rural areas. If you are going to have compulsory education to be of any use, then it must be of a cent. per cent. potency; it should not be a diluted affair, because that would be simply a fraud, because you will be able to say "Look here, we have introduced compulsory education and the result is absolutely nil." My remedy is therefore this that so far as education is concerned the Government must enlist the sympathy of the public. The Government resources are not so vast that such difficult problems could be tackled by the Government single-handed. I mentioned in this House that in Bengal a very important report had come out after prolonged investigations by Mr. West and Mr. Biss with the conclusion that 329 lakhs would be required for non-recurring expenditure for introducing mass education and in addition 199 lakhs every year. We have not resources to cope with such expenditure. Therefore the only course is that we must not imitate the countries of the West. I have got here a small table showing the poverty of this country. Taking the average annual revenue per head of the people in India to be 10 units the result is that in Great Britain it comes to 1,000, in Japan it comes to 35, in Greece it comes to 150, in Spain it comes to 70, in France to 500, in Canada to 200 and in Denmark to 200. Therefore we are a very very poor people. We are having as our income about one-hundredth of what an average Britisher has, but that does not mean that this is a cause for despair. A poor man may save his soul, a poor man can get himself educated but he must cut his coat according to his cloth. In order to have education, we cannot insist on having grand buildings, we cannot insist on having people on very high salaries. Otherwise, Japan would not have been what it is at present, that is with 90 per cent. of its population literate. I am proud of being an Indian and I am also proud of being a Hindu, but I feel ashamed of myself when I realize what other races have done. I would tell the Council that even the Negroes of the United States are on the average better educated than we are. When they were emancipated in 1866, they were literate up to the extent of ten per cent. but they are now literate up to the extent of ninety per cent. Here in this country we are practically wallowing in illiteracy. Is this a thing of which our Government should be proud? There are my friends here who have come with their prescriptions of compulsory universal education. You cannot have compulsory universal education and if you get it after half a dozen riots there will be such a tremendous reaction, there will be such a setback that there will be no kind of improvement for generations.

I come now to the Board of High School and Intermediate Education, after that I will speak about some other items very briefly. I find that the Board is having more and more work on its shoulders. Certainly I have got not one word of dispraise for Mr. Mackenzie, rather I have got every kind of appreciation for the way in which the Director of Public Instruction has been discharging his duties as chairman of the Board in addition to his other official duties. But I must make it clear to my friends here that although the Calcutta University Commission made the recommendation that the university should be relieved of the work of inspecting and controlling secondary schools and intermediate instruction; that the control

be vested in a board. This of course has not been done as yet in the Calcutta University itself. There the university has complete control. I must say with due deference to the Government—it has almost absolute control over the instruction in schools and intermediate classes. No school can be recognized if the Calcutta University wishes that it should not be recognized. Now, when the Calcutta University Commission came out with that recommendation, it was understood that the Board of High School and Intermediate Education would more or less be a non-official body with practically very little interference from the Government, but we have got here our honourable friend, the Director of Public Instruction, who is the chairman of that Board. Everyone can imagine what the powers of a masterful chairman in this country are in practice; he may be really nothing on paper but the chairman, but in reality he is practically an autocrat. The sooner the Government amends the Intermediate Education Act and appoints a non-official as chairman the better it will be for the cause of education in these provinces.

Coming to the universities, I have not much to say. But some of the remarks of my honourable friends must be replied to, because I have been requested by the Vice-Chancellor of the Lucknow University to see that I hold a watching brief for that University which, of course, I do not officially represent—in fact I do not officially represent even the Allahabad University. A large number of my constituents are in the Lucknow University and I am also a member of certain bodies of that University. My friend, Mr. Mukandi Lal, was good enough to say that the Medical College at Lucknow was a white elephant. I hope I am repeating his remarks correctly, but I must say that the Medical College is the institution, of all the departments in the Allahabad and Lucknow Universities, of which we can be rightfully most proud. I wish there were five medical colleges in these provinces.

**Mr. Mukandi Lal:** That white elephant has been transferred to the Medical department now.

**Dr. Ganesh Prasad:** I beg to differ from him: it is not a white elephant, it is anything but a white elephant; it remains under the control of the Lucknow University just as it was before. Another friend of mine, Pandit Yajna Narayan Upadhyaya, who is not here I think today, who has got behind him twenty years' experience as an educationist and who is a distinguished graduate of the Allahabad University being M.A., LL.B., and L.T., said certain things about "official universities." The University of Allahabad may be official in this sense that it started its new career with an official as its Vice-Chancellor and with three out of the four Deans as members of the Indian Educational Service. The same state persists even today. Well, that of course is due to the policy of the Government. The Government has given very large powers to these autonomous bodies, the Universities of Allahabad and Lucknow. The old University of Allahabad had a very few elected representatives on its senate, but in the present University of Allahabad as also in the Lucknow University there is a considerable elected element, and the Government possibly knowing best what is good for this benighted country, probably thought that there must be guarantees given by the universities for good conduct. It is quite possible that that was the reason why Government adopted the course of having a large number of important positions secured for its officials. The universities are to the extent indicated by the official universities, but I

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must say here as a member of the Executive Council of the Allahabad University that we can in the Executive Council defy the Government, we can say that we will do this and not that. As a matter of fact we had recently an occasion to consider the recommendations of the Co-ordination Committee for the Lucknow and Allahabad Universities and I hope my esteemed friend Mr. Blunt will not take it ill if I just mention that one or two recommendations ought not to have been made at all. One of the recommendations is that in the matter of post-graduate classes in Philosophy and some other subjects "the Heads of departments of the two universities concerned should consult together in drawing up the courses" The Heads of departments have absolutely no power to draw up courses. The Heads of departments are there and they can recommend certain courses just as any member of the committee of courses and studies can recommend courses. The recommendation then goes to the Faculty concerned and ultimately to the Academic Council. The Heads of departments have absolutely no decisive say in the matter. That recommendation was practically unnecessary. The Government may say whatever it likes, but the universities are not going to be dictated to. I am not going to disclose any of the secrets of the last meeting of the Executive Council of the Allahabad University, but I must tell my honourable friend, the Minister of Education, that what I said on the 11th March, 1924, about the powers of the Co-ordination Committee was perfectly true and that the universities are not going to attach too much importance to the recommendations of the Co-ordination Committee.

Sir, I am coming now to a very delicate matter and I hope my esteemed friends who belong to the Muslim persuasion will excuse me because, as I have said on former occasions, I am as much a representative of the Muslim community as of the Hindus. It has been said by the Nawab Sahib on my right and also by Hafiz Hidayat Husain that on the Allahabad and Lucknow Universities the Muslim community is inadequately represented, that it has been ignored. I am here to say that they are not quite right. In the Lucknow University on the Executive Council I have got the calendar here—more than one-third of the members are Muslims; I need not give their names. In the Allahabad University in the first elections of 1923 there was tremendous difficulty for gentlemen to get into the Executive Council by election from the Court. But we did elect, out of twenty-six candidates, a Muhammadan gentleman, viz my esteemed friend the Hon'ble Mr. Justice Sulaiman; Dr. Ganganath Jha was thrown out, Dr. Zia-ud-din Ahmad was thrown out and eighteen others were thrown out. So much about the elective element. If there is no avenue open for a Muslim to come in by election, then the Government can step in. Government did nominate Dr. Shafa'at Ahmad Khan and Dr. Zia-ud-din Ahmad as members of the Executive Council. I hope my Muslim friends do not mean that on every board there should be a Muhammadan. Suppose there is a board of studies in Mathematics, do you insist on a Muhammadan being put there? I hope you are not insisting on that. I hope you are not insisting that on every academic body there should be a Muhammadan. Now, the record of the universities in this matter is not blacker than that of the Government. In the old Allahabad University the number of Fellows, leaving the *ex officio* ones, was seventy-five and only ten could be elected; the Government could nominate and used to nominate as many as sixty-five. And still I maintain here that

the Muslim representation on the present Allahabad University is much greater than it was in the old Allahabad University. In the old Syndicate there was never more than one Muslim member; on the new Executive Council there are three Muslims. I may draw attention to the Calcutta University which is still governed by the Universities Act of 1904. There eighty per cent. of the Fellows are nominated by the Chancellor and I tell you that on account of the paucity of really qualified Muslims it is with the greatest difficulty that the Chancellor has been able to put in now and then Muhammadans. There is not a single Muhammadan on the Syndicate of the Calcutta University. The reason is that it has been accepted up to this time that communal representation on universities would be a very very great evil and does not exist in any university excepting the Dacca University. Muhammadan friends of mine who are my colleagues in university bodies will bear me out that they can hold their own if they are reasonable and they receive support from me on every occasion in the Allahabad University.

The other points that I have got in mind are about public health.

**The Hon'ble the President:** The honourable member has far exceeded his time.

**Dr. Ganesh Prasad:** Two minutes more, Sir. It will be seen that the questions of public health and literacy are interwoven. A boy who is unable to find proper medical attention will not excel in his studies. A man who is literate, may die very prematurely and the money spent on him—it may be Rs. 4,000 or Rs. 40—in order to make him literate is wasted. Therefore there must be proper medical arrangements. In 1907 an Act was passed in England which introduced compulsory medical inspection of school children, and I hope the Director of Public Instruction and the Kunwar Sahib will see their way to having proper medical inspection of schoolboys introduced as early as possible. At present the medical inspection in the schools of the United Provinces is practically a farce; in the words of the Educational Commissioner with the Government of India it is “perfunctory” and leads “to nothing either in the way of treatment or of record.”

**The Hon'ble the President:** The honourable member must conclude his speech now. He has far exceeded the allotted time.

There are two other points . . .

**Lala Mathura Prasad Mehrotra:** I rise to join in the chorus of congratulations which have been very appropriately showered upon the Hon'ble the Finance Member and his worthy lieutenant, I mean the Finance Secretary, from yesterday till now. We are indeed very grateful to him for the redress of one grievance—that he has allowed us ample interval between the presentation of the budget and the discussion to go through its minute details. The preparation of the budget is indeed, Sir, a very difficult task and requires arduous labour and great patience of men of no less a standing and ability than the present Finance Secretary and his personnel. As I proceed into the labyrinth of the budget I find that we are *as usual* faced with a huge deficit of 49 lakhs. There is no doubt that this deficit has been caused mostly by the two calamities as were rightly pointed out by my friend Rai Bahadur Babu Vikramajit Singh yesterday—I mean the floods and the Lee Commission. So far as the floods are concerned, we are very grateful to the Government for the timely help that they hav

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given in alleviating the sufferings of the humanity. Sir, the floods have caused a deficit amounting to 127 lakhs, out of which 94 lakhs are irrevocable and 33 lakhs are expected to be recovered. The position that the floods have created is not a new one. There is no doubt that the floods this year were unprecedented. India is an agricultural country and our provinces solely depend upon monsoons. When we have an excess of monsoon we have a famine, and when there is a shortage we have a famine, and therefore the Government of India have very rightly made a provision in the Act that we have to contribute 39 lakhs of rupees for the Famine Insurance Fund. Sir, when we are contributing such a huge amount to a particular fund and for a particular purpose, the question is why our budgets ought to have been affected so much this year by the floods. The answer is very simple, and I regret to say that it is due to a short-sighted policy of the Government. The Famine Insurance Fund if not misutilized, would have reached, by the end of the financial year 1925-26, to a figure of more than a crore and a quarter. And this sum of 94 lakhs which is irrevocable could have been easily debited to it without having any effect upon our regular finances. But, Sir, the constant drawings upon this fund have reduced it to a minimum of 12 lakhs which we will have by the end of this year. Interest on the Sarda canal works to the extent of about 50 lakhs has been debited into this fund. At the time when the United Provinces Development Loan was floated for this project it was clearly said that the project will yield at least six per cent. interest, but on the contrary we find that it has taken away the major portion of our Famine Insurance Fund. For this, Sir, I propose that a committee should be appointed by the Government to go into the details and see where there are defects. Then, Sir, a sum of no less than 8 lakhs has been debited for the working expenses of unproductive works. Both the items, that is Sarda canal and unproductive works, are meant for the safeguard against famines, but I submit it is not right to use this fund for these works and in this fashion.

Then, Sir, what is now to be done? How is this deficit to be made up? There are two remedies as has been suggested by the Hon'ble the Finance Member—Taxes and retrenchment. As regards taxes I would submit that we have enough of them, we do not require any more nor the province can bear them any longer. As regards retrenchment the Finance Member on page 5 of his budget speech says “any reduction in expenditure must fall therefore on the provision for new items under civil heads and the sum provided for this purpose is Rs. 19,94,000. I should be most reluctant, and I feel sure that the Council will share my reluctance, to cut down this figure. It does not include a single item which is not urgently needed; and by far the greater part, namely, Rs. 15,24,000 is on account of the transferred departments.” We are indeed very grateful, Sir, that the major portion has been given to the transferred departments. But, Sir, these are really the departments which require most. We have not been able so far to do much in the way of rural sanitation. The question of expansion of primary education has been discussed in detail by my friend the honourable member for Allahabad University. The report of Mr. Kichlu is already before us and we have to make a provision for it. We have not been able to do much in the way of lessening epidemics in these provinces and they are levying a heavy toll upon human lives. There are so many other projects besides these. As regards the reserved departments, I admit that some retrenchments have been made; the



recommendations of the Economy Committee have been given effect to a certain extent in respect of minor points but not in respect of major points, of higher expenditure, and there is a room for retrenchment. The report of the Committee on Divisional Commissioners, as has been pointed out by several members, has not been given effect to. The committee was appointed by the Government and had on it very experienced officials and non-officials, who recommended, I believe, that the divisional commissioners should be reduced from ten to five; but this recommendation has not been given effect to. The recommendations of the Public Works Department Reorganization Committee have been mangled. The Economy Committee has also recommended that the number of executive engineers should be reduced from twelve to eight and that there should be no provision for extra hands for leave in these higher posts. But their recommendation also has not been given effect to. If there ever was an occasion for retrenchment in this department, it is more now when works of about Rs. 28 lakhs have been transferred from this department to the district boards and to other departments.

Then, Sir, we come to the question of Indianization of services. This question has been settled once for all not only from the Indian Government but from the Whitehall. But even then we find that this also has not been given effect to, to the extent it is required. This would have certainly decreased a lot of the expenses of our Government. Then I come to the Police department. The reduction of the post of deputy superintendents, circle inspectors, and certain other posts have been recommended by the Economy Committee which was presided over by Mr. Fremantle. But the recommendations of this committee have been upset by the immediate appointment of a Police Decentralization Committee and in this way these recommendations have also not been given effect to. At the time of the last budget we discussed threadbare the question and the necessity of decreasing the Criminal Investigation department. In this year's budget we find a further increment of about Rs. 27,000, instead of any reduction. At the time of the last budget discussion we were made to understand that the appointment of the special police was only for that year and for dealing with the criminal tribes that have been left after the arrest of the Bhandus. But I find that the sum is placed in this year's budget too. So this retrenchment has also not been done. On the other hand, we have been burdened with a sum of Rs. 9 lakhs for the all-India services on account of the recommendations of the Lee Commission. The question of settlement that was hotly discussed, omitted and consequently certified by His Excellency last year, has also not been settled till now. We are in no better position in that respect also and we find again a larger sum in the budget of this year. These are the few departments in which retrenchment is possible if sincerely wished for.

As regards the reduction in the provincial contribution, I am glad that we have secured a reduction of 56 lakhs. But that has not made our position very solvent. It has no doubt reduced our present wants, but it has not made the position solvent at all. Now, the question of continuing the Stamp Act comes in. I entirely agree with the remarks of the Hon'ble the Finance Member when he says that it has not been resented to by the public at large. I also agree with him when he says that this tax should be continued for one year more, provided that the whole sum, together with an equal amount which will accumulate by the cuts that will be made in the

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course of next week, should be earmarked entirely for the transferred departments. This is not a new demand. As was pointed out by the leader of the Swaraj party last evening, the government of Sir Harcourt Butler earmarked a sum of Rs. 20 lakhs for the Transferred departments. The Transferred departments require an increment of about fifty per cent. more and so it will be but right that this sum should be earmarked for them. If this assurance is given I shall be the first man to vote for the continuation of the Stamp Act for one year more.

**Thakur Manjit Singh Rathor:** Felicitations have been showered on the Finance department from all quarters of this House, and, if I sound a note of discord, it is not because I want to break the monotony of the congratulations but because I feel that the budget as presented to this House is really a disappointing document. Judging from the point of view of the people, judging from the point of view of the rate-payers, we do not find in this statement of estimated income and expenditure any substantial increase in the amount to be spent for the improvement of what is known as nation-building departments. That is, Sir, the first reason why I call this budget a disappointing document. My second ground, Sir, for characterizing the budget as such is that we find that the figure for non-votable items has increased from 396 lakhs to 436 lakhs, as was pointed out yesterday by my friend Mr. Babu Lal. I propose to discuss these two points at some length. Before I do so I would speak a few words about the financial condition into which our province has been drifting since the year 1921. Our province happens to be that very fortunate province which is the richest in point of agricultural produce and in point of natural resources in the whole country. But unfortunately, Sir, we find that since the year 1921 the financial condition of this province has been going down and down, and every year we find that we are almost on the verge of bankruptcy. This year, fortunately, the Indian Government has come to our rescue and we have received a decent amount of 56 lakhs by way of remission of our provincial contribution. But for that we would have to face almost a catastrophe to meet which new taxation measures would have been brought before this House. The Government are aware that the representatives of the people are not in a mood to increase further taxation and to help them so far as the increase in taxation is concerned. Sir, unfortunately public opinion in these provinces has not been very strong, and the provincial contribution which has been allotted to this province is excessive and not only excessive but highly excessive, and it is absolutely out of proportion to the just demands that can be made on the provincial exchequer, by the Imperial Government. A huge amount of 2,40 lakhs has to be given by the United Provinces every year to the Indian exchequer whereas a province like Bihar, as our friends are aware, goes without anything and other provinces like Bombay—as was pointed out by an honourable colleague of mine last year—goes with the tiny figure of 50 lakhs. I think, Sir, this is something really unjust to these provinces; this annual drain of 2,40 lakhs on these provinces is the chief reason in my opinion which is responsible for this sad state of affairs. If we really want that our income and expenditure should balance, if we really desire that we should do something for the material and moral progress of our people, we should try our level best to bring pressure on the Indian Government to make a substantial annual reduction in this contribution, if we cannot totally and wholly wipe out this huge amount of 2,40 lakhs.

Sir, drain from India is the chief thing which makes Indians poor and similarly, this particular drain is one of the chief things which have thrown their dark shadow upon the finances of these provinces.

Now, I proceed to the examination, as I said, of the outstanding features of the budget. First, I said that the inadequate supplies of the sinews of progress to the nation-building departments is a very outstanding feature of the budget. I do not mean to say that no supplies have been increased; they have been increased, but considering the demands of the people—the just and legitimate demands of the people—I am perfectly sure that attention has not been given to the nation-building departments to the extent which was necessary. It may be, Sir, that the Hon'ble Ministers in charge of the new departments may feel very satisfied and may feel very content with what they have got, but the representatives of the people do not feel satisfied unless they find that the demands of this Council expressed in unequivocal terms in the form of resolutions are carried. You, Sir, are probably aware that last time in the monsoon sessions of this Council we passed two resolutions: one moved by my honourable friend Mr. Mohan Lal Saksena, to provide a substantial grant for the encouragement of cottage industries and for the encouragement of *khaddar*. Another resolution was moved by me to introduce spinning in all girls' schools, if not as a compulsory subject, at least as an optional subject. This resolution was amended in this form by my honourable friend Pandit Nanak Chand and was accepted by this Council.

I do not find in this huge book of statistics, of facts and figures, any reference to these two resolutions. I do not know how the Hon'ble the Minister in charge of Education is going to meet the wishes of this Council expressed unequivocally, expressed in such unmistakable terms about these two things. I do not know whether he is going to meet the wishes of this Council without any demands being made on this Council and if he is going to do so, I would call him, as my learned colleague the member for Naini Tal called the Hon'ble the Finance Member yesterday, a great juggler and a great wizard of statistics. That is the chief reason why I think the nation-building departments have not received that share of the provincial revenues which they can legitimately expect to receive. I am aware that in a number of small places like Saharanpur and Najibabad, they want to have small weaving factories and schools started. But more than once, in fact times without number, this Council has emphatically declared that what we want is not the multiplication of ordinary Government schools which do not give any vocational training; what we want is the increase and the multiplication of institutions which will give vocational training to the people. I find that lot. of schools for leather work and for carpentry work are being opened, but the Government, I fear, do not appreciate that the masses live not by leather industry nor by carpentry: the masses live on such things as are matters of absolute necessity for existence in their life. I mean things like cloth manufacture and agricultural produce. So far as agricultural produce is concerned, the Hon'ble the Minister is doing his best, that is what we are told, and hope that he is doing his best. But, Sir, what is being done with regard to making the province self-supporting so far as the requirements of cloth are concerned. Some small schools are being opened. But, Sir, I think it will be in the fitness of things that if one such school is opened in every district in every division, as was suggested by me in a resolution which I could not move before this Council but notice of

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which I duly gave some time ago. Now, we have got, I think, a very respectable number of members in this Council—they are about 32 out of 100 elected members. The well-considered view of this section of the Council has been ignored and not a single shell has been provided for the encouragement of cottage industries as was desired by this House in the resolution which was passed by this body. I think nothing is done to meet the fair wishes of the representatives of the people. The Reforms have given rights to the Legislature to express their demands and the demands of the people. Nobody is more clamorous of blowing the trumpets of the Reforms than the Government, and if the wishes of this Legislature are ignored in this way, I say that it is not a Government of democracy but a Government of democratic hypocrisy. This is rather a strong expression, but I am sorry I have to use it for want of another stronger expression, because the wishes of the Council have, times out of number, been disregarded and certification has been resorted to and so many other things are done expressly against the well-considered and unequivocally expressed wishes of the people. Much has been said about the two causes that are responsible for the unsatisfactory state of affairs in this province this year—the floods and the Lee report. I will not talk about the floods, as already much has been said over it. I will only say a few words about the Lee Commission report. In my opinion the Government have either betrayed their selfish tendency in not opposing the demands of the Lee Commission or they only wanted to promote the interests of the class to which they belong and whose interests the Commission wanted to promote. The Lee Commission has entailed a huge expenditure of nine lakhs on our province. Our province though it is rich is already since 1921 face to face with a financial difficulty which cannot be viewed with equanimity by anybody, whether the Government or the people. The Commission have thrown upon this province a new recurring expenditure of Rs. 9 lakhs a year which I think is nothing short of a legalized loot. The people had called the recommendations of the Lee Commission by that expression, and I see no reason to consider that the expression used by the public press and by the leaders of the people is too strong for the needs of the situation. The transferred half of the Government has not been liberal. So far as the interests of rate-payers are concerned, the departments have not tried to meet the interests of the rate-payers who are after all the masters in the household of the Government which claims to be representative and democratic. Our Government is on the high road of democracy, and I think we should try to learn the lessons in the right spirit and not in a manner which would not do credit to the Government which at least pretends to rule with the consent of the people. You are well aware, and it would not be improper to say so, that a foreign Government is an unpopular Government. It is only in the nature of things, in the course of things, that a foreign Government should be unpopular; but the unpopularity of that foreign Government increases more and more if that Government persists in not looking to the interests of the people properly. We do not desire to make any reduction where reduction is not necessary; we are anxious to make reductions only where it is necessary. Sir, we are very wise with the pence, but I think we should also be wise with the pounds. I do not know whether any member of the Council has firsthand knowledge of the Sarda Canal or has any idea of it whatsoever. Time and again we are presented with demands under

that head, but we do not know how much progress has been made. I therefore suggest to the Government that they would be well-advised if they took the members of this House into their confidence and gave them firsthand knowledge of the whole thing. Probably the honourable members of the Council are aware that the Government of India sent a number of the members of the Legislative Assembly to see how things were going on with the Prince of Wales' Military College at Dehra Dun. They were thus in a position to know how things stood, and they gave the Government of India and the public press a statement of their opinion. I do not know whether our provincial Government is prepared to allow some of the members of the Council to see how matters stand with regard to the Sarda Canal. The whole thing is going on as if in the moon and we have absolutely no idea about the Sarda Canal. Lakhs and lakhs are being spent over it and we do not know whether the scheme will really bring about that good to the province which it is claimed that it will.

Before I resume my seat I will just make one or two observations which I think it is necessary for me to make in the interests and well-being of the province. The question of arms licences in these provinces has almost assumed the shape of a scandal. Licences have been refused to men of respectability. I need refer only to the case of Babu Bhagwan Das. Conscience should not be banned in this manner and people should not be refused licences because they belong to a certain political camp.

The second thing is that we are not doing much for encouraging the Ayurvedic and Unani systems of medicines. There are a large number of villages where there are no dispensaries of any description, whether Ayurvedic or Allopathic. In the Eastern Dun for example we have not a single dispensary, whether Ayurvedic or Allopathic, and I hope the Government will do something in this direction. Similarly I bring the need of my town with regard to the Weaving School to the notice of this Council.

With these few words I conclude my speech.

**Maulvi Abdul Hakim :** I rise just to make a few observations on the present budget. I join in congratulating the Hon'ble the Finance Member and his learned Secretary on their presenting to us the budget in a most intelligible manner. But the question is whether the financial position which has been revealed to us is one on which we can congratulate ourselves or the Government. The Hon'ble Finance Member has shown in his statement that if we compare the total receipts with the total disbursements in the budget year we shall find a total deficit of Rs. 27 93,000, and that unless we raise money by additional taxation and by a loan from the Central Government we shall not be able to balance our revenue and expenditure. This is a very sad state of affairs. It is true that the floods of last year are partly responsible for this, but apart from that every one will admit that the financial position of these provinces has been growing worse and worse every year since the advent of the Reforms. If we examine the reasons we shall find that they are two. Firstly, we have to pay much more to the Government of India than what other provinces have been paying, and secondly, there has been considerable rise in the cost of administration. As regards the first point, the Council and the Government have done their very best. The Council have passed resolutions and the Government have forwarded them to the Government of India. I fear however, that in this direction for several years to come we cannot expect

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to get any relief. With regard to the second point, the Hon'ble the Finance Member says that "retrenchment in the proper sense of the term has already been carried as far as is practicable," and in support of that assertion he refers us to the resolution of the Government on the report of the Economy Committee which was issued last February, and to a further resolution which has appeared this week. If we refer to those two resolutions we find that while the Government have gladly accepted almost all the recommendations relating to the inferior services, they have rejected nearly all others which concerned the superior services. I have got here a copy of the report of the Economy Committee. They recommended among other things that the office of Chief Conservator of Forests should be amalgamated with the Secretariat, that the pay of the members of the Executive Council should be reduced to Rs. 4,000 per mensem, that the number of Commissioners should be reduced and that the post of Chief Secretary to Government, the Deputy Inspector-General in the Criminal Investigation department and the Deputy Commissioner of Excise should be abolished. None of these recommendations has met with the approval of the Government. That being so, can the Government say that they have done all that was "practicable" in the way of retrenchment? On the contrary, we find that in the present budget the Government have made an allotment of Rs 8,25,000 on account of the revision of the pay and allowances of the all-India services as the result of the Lee Commission report. It is therefore quite clear that unless the Government are prepared to effect some retrenchment in connection with the superior services, it is impossible for us to make any improvement in the financial situation of this province for years to come or to launch a scheme with a view to improve the lot of the people.

In regard to the expenditure on nation building departments, the Hon'ble the Finance Member remarks: "There are still some who complain that the transferred departments do not receive their proper share of the revenues of the province. I showed last year that there was no foundation for that charge, and the figures which I have just given, as also the figures of capital expenditure which include 80 lakhs for the transferred departments, should make it clear that, as in the preceding years, the lion's share has gone to these departments." I am prepared to admit that there has been an increase in expenditure on the transferred departments year after year, but the question is whether it is proportionately greater than what has been spent on other departments. I have just calculated the percentage of increase in the total expenditure of the province since the year 1921-1922. If you compare the total expenditure of the province in the year 1921-22 with that budgeted for 1925-26, you will find that there has been an increase of 17 per cent. If the increase in the expenditure of the transferred departments has been more than 17 per cent. or if it is equal to 17 per cent., certainly the position of the Government is defensible, otherwise not. I will take only two departments, namely Education and Industries. I have calculated and found that the increase in the expenditure of these two departments has been nearly 13 per cent. Can the Hon'ble the Finance Member in face of this say that the lion's share of the receipts of the province has gone to transferred departments? I wish to say a few words more with regard to education. In the present budget we find that there is a provision of 171 lakhs for it, whereas in the last year's budget there was a provision of 172 lakhs. In other words, there is a slight decrease. It is

true that the decrease is very slight, but it points out the policy of the Government. After the speeches of honourable members during the budget discussion last year and also after the resolutions on primary education that have been passed in this Council this year, I expected that there would be a considerable increase in the allotment for education, but on the other hand I find that there is a decrease. In this connection I will ask the Government to follow the example of the Punjab Government. The finances of the Punjab are no better than ours. They are in fact worse than ours. But what do we find? We find that in the year 1921-22 they devoted 190 lakhs and in the year 1922-23 they devoted 220 lakhs to education. I think the Government of this province should try to come up to the level of the Punjab Government, if it cannot rise higher. There is one important matter about which I have still to say in connection with the budget, and it is this. We do not find any important scheme for the improvement of the masses of these provinces. About 90 per cent. of our people reside in villages or in rural areas. We find on the other hand that a great deal of money has been specially allotted in this budget for the comfort and convenience of those residing in urban areas. I do not grudge that amount of money, but I say that the Government should not have forgotten the miserable condition of 90 per cent. of the population of these provinces. The Government should have done something specially for them. There is however one thing more to which I want to refer. The allotment that has been made for the Administration of Justice is not quite enough. The High Court has been representing from year to year that it stands in great need of money for buildings in different districts, but it has not been given the necessary funds. I will not on this occasion refer to special cases where money is required for buildings. I shall have to refer to them later on. At present I consider it enough to say that the High Court of Allahabad has continuously been neglected by the Government in the matter of finance.

**Rai Bahadur Thakur Hanuman Singh :** I rise to make a few observations on the Financial Statement which has been presented by the Hon'ble the Finance Member. Before saying anything concerning the budget I desire to congratulate the Hon'ble the Finance Member and the Finance Secretary for the lucidity with which the budget has been prepared, but I feel constrained to say that the memorandum accompanying the budget is too brief to be understood by a layman like myself and by many others in this Council. In his speech the Hon'ble the Finance Member has said that he incurred certain expenditure which he thought would be covered by the increase in the receipts. I think his policy in incurring such expenditure on the expectation of increased receipts was not a sound one. No doubt the floods have caused a very great loss not only to the Government revenue but also to the people of those areas which have been affected by them. The Government deserve our thanks and also congratulations for the steps they took to relieve the people from their sufferings. The Hon'ble the Finance Member in the budget speech has taken credit that he has been liberal to the transferred departments. I am sorry to disagree with him. The transferred departments require very large sums to be spent on them. They are the departments which have been starved for long and even the advent of the Reforms scheme has not been able to put them on a strong footing. Here I wish to draw attention of the Government towards the need of expenditure on certain departments which are intended specially to benefit the rural population. The rural

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population in this respect has always been treated with an invidious distinction. I say so because I find that all along money is advanced to municipalities for improvements in them, but when the question of improving the village sanitation or of giving medical aid to the rural population comes, the Government comes forward always with the reply that though Government feels the necessity of those improvements, there are no funds available for that purpose. Medical, sanitation, agriculture, industries and co-operative societies are the departments which can benefit the country and bring about the uplift of the people, and these departments are not granted every year such funds as may make their existence justifiable or useful to the people. The most important of these necessities are to my mind medical aid and sanitation in rural areas. The dispensaries that exist for the treatment of the people in rural areas are too few to be considered of any great help to them. If you take the whole area of the province and the number of dispensaries, I can say that 50 square miles of the area at an average has not got even one dispensary. Then the sanitation of the rural areas is simply deplorable. Whenever any epidemic disease prevails in the interior of the districts people die unattended. Who are these people? They are those who contribute the largest amount to the Government exchequer, but they have been neglected since the beginning of the British administration and they are being neglected even today in spite of our having their representatives, the zamindars, as Ministers in whose hands are the transferred departments. These gentlemen were not attentive to the welfare of the tenantry and of the people residing in their estates when they were zamindars and now the same inattentiveness has been brought into evidence. There was a resolution adopted by this Council for imparting education in the indigenous systems of medicine through the medium of the vernaculars. That resolution is still, I think, before the Hon'ble Minister, but no step has been taken to give effect to it. As long as the Government does not take upon itself to impart education in the indigenous systems of medicine through the medium of the vernaculars of the province, I think it will never be able to supply medical aid to the rural population. There are one college and one school which impart instruction in the European allopathic system of medicine, but they turn out students who are absorbed either by the Government services or by the municipalities. At the same time even if they can settle down in the rural areas, people will find them too expensive. There is a crying need for medical aid and sanitation in the rural areas, and I hope the Government will spare money by all means to provide them. The Hon'ble the Finance Member has given notice of a Bill to prolong the Stamp Act for a year more. He is of opinion that the tax does not affect anybody and that there is no complaint about it. Certainly no complaint has been made, but when seven lakhs of rupees come out from the pockets of the people, it does affect their condition adversely. There can be no denying the fact. But if the Government gives us a definite undertaking that the amount realized from this fresh taxation will be earmarked for medical aid and improvement of sanitation in the rural areas, then we can consider whether it should be continued for a year more or not. But when I find that Government can always spare money to be spent on projects which it favours, then we lose heart. In this budget we find a provision for the hydro-electric scheme. Well, the whole province is crying for sanitation and medical aid and no heed is paid, but here there is provision



for the hydro-electric scheme which is not a want but a luxury, not a necessity, and which can be avoided until we reach prosperous years. Then there is a scheme for the reconstruction of roads in the Lucknow municipality and in other places also, not in the ordinary way but with bitumen. They are the most costly known in India. Then there is the scheme for police buildings. Well, the necessity of improving the police buildings and in certain cases for constructing them is certainly great, but I do not think that big sums should be allowed to be spent on these buildings. Where there are no buildings or where they require repairs they must be constructed or repaired, nobody ought to object to it but to pull down the buildings which are habitable and to erect new ones in their places is a thing which should not be allowed.

The Government is prepared to take loan for the construction of these buildings, and when perhaps money will be wanted it will take loan for the repair and construction of the roads as well, but it cannot take loan or spend money for the welfare and health of the rural population, which is to my mind very regrettable. Then there are certain other matters which I wish to briefly bring to the notice of the Government and this Council. The military training of the students has come to be a necessity for the health of the pupils. Whenever the question of Indianization of the army comes up, the Government gives certain replies which are not considered satisfactory by Indians. These students in the secondary schools as well as in primary schools are those who will later on join colleges and universities. Some sort of military training, whether with arms or without arms, will be greatly helpful to them when they will attend the college classes. At the same time the training will help them a great deal when they will join the Indian Auxiliary Force. There is another advantage which is that this training will give them a very good discipline the want of which is very often complained of by Indians as well as by the Government officers.

**The Hon'ble the President :** The honourable member's time is up.

The Council will adjourn for three-quarters of an hour

After the adjournment the Deputy President took the Chair.

**Mr. Masud-uz-Zaman :** I cannot help expressing my great appreciation of the Hon'ble the Finance Member's efforts to avoid fresh taxation at a time when two great items of expenditure require his full attention, at a time when flood relief has a primary demand on the budget of the year. It is a matter of regret that despite all the protests of the Council and the Provincial Government the Government of India have not seen their way to remit any substantial part of the contribution of the Local Government. Even if the hopes of the Hon'ble the Finance Member were realized and the expected remission was made, that would not really be proportionate to our needs and to the remission expected to be made to other provinces according to their contributions. But if our hopes are realized in this respect I trust that the sum remitted will suffice not only for the repayment of the loan but also for reducing the enhanced stamp duties. It is true that the public has not raised much protest against the enhanced stamp rates, but I think it will be better if the schedules are revised, because they are so unevenly fixed that it is certainly a matter of inconvenience, and if they are reduced and evenly fixed probably much of the difficulty of the public would be removed.

I take this opportunity, Sir, to draw the attention of the Government to the very undesirable state of affairs prevailing in regard to the admini-

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tration of justice at the Allahabad High Court and the pitiable state of those litigants who have to appeal to the High Court. There are, I understand, no less than 1,500 second appeals pending for the last three and half years in the High Court. If justice is to be given to the people delay is a matter which materially affects the litigants. The winning party suffers because most of his gain is lost by the delay, especially delay of three, four or five years, and if the party loses he loses not only the costs and his expected gain but also the interest on the money that he spends on court fees and in other ways. If they knew the result of their case earlier they will probably have saved much of the expense and trouble. There are nine Judges at present at the Allahabad High Court, and they have got to dispose of not only these fifteen hundred appeals but also first appeals, criminal cases and criminal appeals. I cannot imagine that with the present number of Judges there can be any possibility of real justice being given to the litigants at all. In the Kings Bench Division alone where work is lighter and where the hours of working can be extended because of the pleasant weather they have got fifteen Judges. It will certainly be a good thing if three or more Judges are appointed, because by saving the time of the litigants there will be increased income by the realization of court fees and other things. For this reason I will suggest that it is very necessary in the public interest as well as in the interest of justice that the number of Judges should be increased and work should be more quickly disposed of in the High Court.

I hope I will not be interpreted as advocating the interference of the Government with the affairs of district boards when I criticize the policy of neutrality of Government with regard to the affairs in the district boards. When the Municipalities Act of 1916 came into force I followed the policy then adopted by the Government. At that time it was a new thing altogether for Indians to take up the responsibility of administering the institutions of local self-government, because for the last fifty or sixty years Indians had never been given any chance of administering such institutions. At that time the Government's policy was a very reasonable one, and in many cases one noticed that while the Act itself provided no more powers to the Government to interfere than the present Act does, Government made a line of demarcation between honest mistakes of the boards and the mischievous activities of the members of district boards for their own purposes. They tolerated honest mistakes. They helped the boards in rectifying those mistakes and the district authorities were helpful towards the municipal boards. After a short time the result was that the rush of those people who had come with the intention of deriving some advantage from the boards decreased, and such members were either removed or got out. But when this District Boards Act was passed about two years ago, Government left everything entirely to inexperienced hands. It is natural that there are people who come into the boards and interfere in the affairs of the boards with motives and with interest to gain something out of them, and there are certainly people also who have honest motives to help the cause of local self-government and to promote the cause of nationalism. What we see these days is that the Government does not interfere where there is interference really required and they do raise objections where there is no necessity for doing so. What really happens is that some of the members are taking advantages from the boards. They are taking contracts, they are interfering in

every possible manner to make money from the district boards' property, and the district authorities and Commissioners observe strict neutrality in those affairs. If some of the members or the Chairman only make mistakes, those irregularities, however dishonest they may be, are not allowed to be subjected to public criticism. Perhaps the Government think that they are perfectly safe in not advancing any co-operation and helpfulness towards these boards. They think that the result of this discontentment over the boards will be strife among the members and among the public and every blame will go to the parties that are formed inside them. But I assure you, Sir, that this is the impression that is prevailing, namely, that the Government does not interfere where necessary simply because they want to prove our unfitness in governing matters.

**The Deputy President :** The honourable member has only two minutes more.

**Mr. Masud-uz-Zaman :** So what I really advocate is that the Government should make a distinction in these matters, should help the boards to improve matters, and should also interfere where interference is necessary. I have been, Sir, year after year harping on the reforms in the Police department. The excesses committed in the Police department are more apparent because police is the department which can extract bribes and can force the people, willingly or unwillingly, to offer bribes. But in other departments where the temptation is not so great, where the bribery is really given for some consideration of the offerer himself, in those departments also there is discontentment prevailing and the corruption is becoming worse and worse every day.

**The Deputy President :** I think this is a very good stage at which the honourable member could stop. My difficulty is this. It has been arranged that the Government reply will begin at quarter to three.

**Mr. Masud-uz-Zaman :** I bow to your ruling.

**Pandit Sri Krishna Dutt Paliwal :** Like my honourable friend Thakur Manjit Singh Rathor I cannot congratulate the Hon'ble the Finance Member on the budget which he has presented to this House. When I say so I am not unaware of the fact that he has to work under constitutional and administrative limitations, and that those limitations and restrictions are put upon him by the Devolution Rules framed under the Government of India Act. But, Sir, the budget as it is and the policy underlying the budget cannot be condemned too highly. A budget to be a really good budget must be characterized by three P's,—it must be people's, progressive and prosperity budget. But, Sir, this budget is quite the reverse. It is bureaucracy's, barbarous and bankruptcy budget. It is barbarous because according to the advanced political philosophers the aim of the Government, the aim of the State, is the removal of obstacles in the attainment of the best life. Ignorance, poverty and slavery are the greatest obstacles in the attainment of the best life. I ask where is the provision in this budget for the removal of these obstacles? If we look to the death-rate we find that the death-rate in our province is higher as compared with other countries. If we look to the literacy, we find that the literate population in our province is only 3·7, while in civilized countries it is 94 or 90 or something like that.

The one thing to which I want to draw special attention of the House in the short time which is at my disposal is that in the eyes of the general

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public, whose representatives we are here and whose voice it is our sacred duty to represent, the whole province is a wilderness of oppression and misrule. The bureaucracy's agents called public servants squeeze money out of the people by extortion and bribery. The Government knows this. In fact they have admitted as much during the debate on my resolution on the 27th February, but they refuse to take effective measures to put down the evil which is eating into the vitals of society. These officials oppress the people with impunity and there is no helper of the people against the oppression of these officials but God. It is out of the question to think that they can take shelter in law courts and higher officials. I hope that this House is aware of the fact that the people cannot get justice in the law courts against the officials, and when they go to the higher officials they are not listened to. Being disappointed in these quarters, if they try to get their report published in any newspaper, the editor of the paper is heavily punished for publishing their complaint, and if they approach their representatives in this House and if the representatives try to bring their grievances to the notice of the officials over there, their questions are disallowed on technical grounds and they are directed to call at the doors of the officials direct, and when they do as they are bidden to, the local officials instead of giving any relief to the oppressed people get angry with them and slight those who represent matters to them. I say this from personal experience as a journalist and as a member of this House. As an editor of a paper which published the complaints of the people from week to week regularly, and it was my lot to know that the people are groaning under the oppression, under the *zulum* and *zabardasti* of the officials. So long as this state of affairs continues, I for one find myself unable to give my assent to the passing of the budget and I appeal to the House to do the same. I know that my cry in this House will only be a cry in the wilderness, but, Sir, when one's heart is heavy, one cannot help crying even in the wildest wilderness. One word of warning to the Government and I have done. I say to the Government that by not listening to the demands of the people and by flouting public opinion you are sowing the seed of resolution the harvest of which you will have to reap.

**The Deputy President :** The honourable member is expected to address the Chair and not the members.

**Pandit Sri Krishna Dutt Paliwal :** With your permission, Sir, I will do so. One word more. It is that in their pride of power the officials might think that they can go on doing as they please so long as they like it. But I will remind them that there are higher powers that rule the destinies of men and nature's Nemesis—though at times it may be slow—is sure. So I will ask Government to beware before it is too late.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I have been listening very attentively to the criticisms that have been levelled by the honourable members of this House against the departments under my charge. Now I will deal with those departments which have attracted the criticisms. First of all I will take Excise. Some of my honourable friends seem to have confused themselves about the increase in the expenditure. There is an increase in the expenditure of seven lakhs, which is simply due to the fact that we have accounted it in this way, otherwise this is nominal and there is no real increase. My honourable friend representing the Allahabad-cum-Benares Muhammadan constituency has attacked us for the increase under

excise inspectors and their time-scale pay. This increase was recommended by the Excise Conference. I would like just to make one more observation about this department that if the honourable members are really anxious for the spread of temperance they will have to increase excise staff. Because it is not possible to increase temperance unless there is an increase in the number of staff to supervise and check illicit distillation.

The other department which has been attacked is the Public Works department. My friend the honourable member representing the Chamber of Commerce, who I am sorry is not here today, said yesterday that we had accepted the recommendation of the Re-organization Committee about computers, draftsmen and menials, but we have done nothing about all-India services. Our position with regard to the members of the all-India services is that it is not possible for us to remove or dismiss them, because the honourable members are aware that they belong to that category of figures which the honourable member representing Garhwal has named as untouchable. These figures are non-votable and it is not possible for us to remove the members of the all-India services all of a sudden. We are, however, going to make recommendations in accordance with our resolution to the Secretary of State, and we hope that he will agree with us.

I now come to Industries and Agriculture. I am thankful to those honourable members who have drawn our attention to spending more money on these departments. I entirely agree with them. My honourable friend, the member for the United Provinces Chamber of Commerce, reminded me of my own opinion about Industries. He will be pleased to note that there is no stagnation in that department. When the demand relating to it comes before the House, I shall be able to tell the honourable members how many new schools are going to be opened and what our proposals for the future are.

As regards Agriculture we are trying to expand our engineering section for making more tube-wells and for boring purposes. I do not agree with my honourable friend who said yesterday that all these tube-wells and the boring section are meant for the capitalists. This is not the case. The question is whether the protected area in the provinces should be increased or not. If we have got an area which can be protected in times of famine, then this is bound to increase the wealth of our provinces. It does not matter whether that area is owned by a capitalist or by a poor tenant.

I am sorry that honourable members were a bit disappointed about the increase of expenditure in these departments. On account of financial stringency some of our proposals were cut out by the Finance Committee and some had to be cut by the Finance department. But to do justice to my honourable colleague, the Finance Member, I would like to tell the honourable members that when these proposals were sent to the Finance Committee and the Finance department there was a deficit of 43 lakhs and we were thinking of borrowing money from the Government of India to meet such expenditure which is usually met from the regular revenues. At that time we were not aware that the Government of India would give us any remission. Now, they have given us a remission. As was remarked by my honourable friend Pandit Nanak Chand, the position as regards the closing balance is not yet very satisfactory, and that is the reason why some of our proposals could not be accepted by the Finance Committee and some had to be thrown out by the Finance department themselves.

**Babu Bhagwati Sahai Bedar :** Did the Finance department sympathize with you ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** As far as the Ministers are concerned they deserve the sympathy of the non-official as well as official members. I would like to say a few words about certain observations that have fallen from some of the honourable members. My friend coming from the Dehra Dun constituency said that the opinion of the *swarajists* should not be ignored. I can assure him, and I would like to assure all those who are sitting on the benches opposite, that it has never been our intention to ignore the opinion of any section of this House. It matters little to us whether one is a *swarajist* or a Liberal or an Independent. The consideration of everyone of us is, and should always be, that we are all Indians. The difference lies only in the mode of working. The goal of all of us is the same. Consequently, the assertion that we ignore in any way the opinion expressed by the *swarajists* is groundless.

**Thakur Manjit Singh Rathor :** What action did the Government take on the resolutions passed by the *swarajists*?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** If my honourable friend will name any particular resolution or resolutions concerning my departments, I shall be able to tell him what the Government has been able to do in respect of them. I am, however, not a living encyclopedia, and so it is not possible for me to say how many resolutions during the last four years were passed by the Council and what action was taken by the Government in regard to them.

I now turn to the suggestion made by my friend Thakur Hanuman Singh about the roads in the province. He is of opinion that it is not necessary to reconstruct them. They are in such a deplorable state of affairs that I submit it is absolutely necessary both in the interest of the urban and the rural population to reconstruct them with the least possible delay.

**Rai Bahadur Thakur Hanuman Singh :** I am not opposed to repairs.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** When the Public Works department budget comes before the Council, I shall be able to convince honourable members that ordinary repairs would not do. It is common knowledge that the condition of our roads is getting from bad to worse and at places it is impossible to pass over them. They are even worse than *kachcha* roads, and I think it would prove economical in the long run if roads, at least near the approach of big cities, where there is a very heavy traffic, are reconstructed.

I reserve the rest of the remarks to the time when demands relating to my departments will be presented to the Council.

**Khan Bahadur Maulvi Fasih-ud-din :** I most respectfully take exception to the limit of time that has been allowed to non-official members. If that were so, some previous intimation should have been given to us. Last time at the time of the discussion of the budget every one of us was allowed an opportunity to speak out his mind, and I remember the debate continued till after sunset. In the circumstances I hope the Hon'ble the Deputy President will give at least one or two of us some time to speak.

**The Deputy President :** The time-limit of quarter to three was fixed by the Hon'ble the President. I also think that the arrangement is fair, because when the non-official members have had more than a day

and a half to speak, the Government benches should also have at least the rest of the day to reply. It is, however, in the discretion of the Hon'ble the President to allow as much time for any part of the discussion as he thinks fit. If Khan Bahadur Maulvi Fasih-ud-din Sahib alone is anxious to speak, I shall certainly allow him; but I do not wish to make it a rule that a discussion is again open to non-official members.

**Khan Bahadur Maulvi Fasih-ud-din :** I have absolutely no hesitation in adding my quota of unstinted praise to the Hon'ble the Finance Member, his worthy Secretary and his two Deputy Secretaries, especially so because the finances of this province are actually in a state of confusion, and indeed it is much more difficult to prepare a deficit budget than it is to prepare a surplus and a prosperous budget. It cannot be gainsaid that we assemble here today under a shadow of a grave financial situation. We are face to face with a huge deficit, which has been accumulating year after year and which is now threatening us with a serious crisis. The overdraft in the revenue accounts at the close of the budget year is estimated to be as much as Rs. 34,35,000, and the closing balance, after deducting the revenue and some lakhs of rupees for the Insurance fund which is not available for general expenditure, is as small as 15 lakhs. The history of the closing balance has been a history of progressive decline. The closing balance of the last year, which amounted to Rs. 146 lakhs, has been allowed to be reduced to 73 lakhs at the end of the current year, which is again going to be reduced to only 26 lakhs at the end of the budget year. This is the state of things which, in my humble opinion, is intolerable for any province, not to speak of our province in which it is much more intolerable, for the simple reason that the chief source of its income is land revenue, as for every Rs. 12 of the total income, the land revenue contributes as much as Rs. 7; and this income as we all know, is inflexible and is not liable to expansion as other sources of income are. It is for this reason I think that matters are much more serious for our province than they would have been for any other province. Hence I submit that with the rigidity of a great part of our income on one side and the profuse lavishness on the part of the Government, I think a deficit budget seems to have become almost a permanent feature of the administration, and we are hoping against hope for a surplus and prosperous budget. The landlord of the United Provinces has very often been blamed for being a spendthrift, for neglecting his finances, for letting his expenditure exceed his income, and for allowing himself to fall into the lap of the money-lender; but here the Government which is the superior landlord seems to follow the example of his chief customer, and it has to balance the budget by contracting loans. Economy is about the only remedy for this evil. As has been pointed out by many of the speakers, many of the important recommendations of the Economy Committee have not been as yet given effect to. For instance, the scheme of the Economy Committee about the reduction in the number of districts and in the number of certain commissionerships is still in abeyance. The question of the reduction in the cadre of Deputy Inspectors-General of Police, Assistant and Deputy Superintendents of Police and Police Inspectors has still to be considered, and the other more important question of the amalgamation of the offices of certain Heads of departments with the Secretariat is still hanging fire. In fact the list of what has been done is much smaller than the list of what has not been done. The Meston Committee in my opinion is our chief grievance. It has deprived us of income-tax and of the continuity of

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Railways, Post Office, salt and opium. It has given us a gift of 3 pies in every rupee of the excess of assessed income over the assessed income of 1920-21. The figure under this head in the new budget is nil. It has saddled us with a crushing burden of 240 lakhs in respect of the provincial contribution. The demand has no doubt been reduced by 56 lakhs very recently, but as has been said by many honourable members and also by Pandit Govind Ballabh Pant, this reduction is very negligible. It is only a drop of water for the thirsty man and it is a very ineffective palliative for our chronic disease. We must have a more liberal treatment than this. It has been said today that India is an agricultural country, and our province is particularly so; and for this reason the most important item in the budget for us is the item under the head of Survey and Settlement. I find that the figure has been increased this year from four lakhs of rupees to seven lakhs. The Council has been clamouring for long time to have these record survey operations stopped, but without any result. We have been told that these operations are not necessarily connected with and will not be followed by actual assessment. This sort of argument does not appeal to us. We ask for a definite assurance as to whether these operations are to be followed by land revenue assessment or not. If the Government say that they are not in a position to answer these questions now, then I would ask them how they were in a position to start these operations in the districts in which the settlement was about to come to an end. This is a question which has been disturbing our mind recently very much, and we do not at all agree to this increase. The members of the zamindar party, I assure the Government, are very sober and loyal people, and we realize that our destinies are inseparably bound up with destinies of the Government, but we want a plain answer to this question and we want a speedy solution of that difficulty.

**Babu Bhagwati Sahai Bedar :** If that is not forthcoming?

**Khan Bahadur Maulvi Fasih-ud-din :** In fact I submit that insult has been added to injury by the order which has been recently passed about stopping the ejectment cases. This order, I contend, is thoroughly illegal. It involves a great legal principle as to whether the Government has any power, whether the executive Government has any authority, to cancel a living section of a living law by means of an order like this. I think the sooner the matter is settled the better it is. The Hon'ble the Finance Member assured us that he would take the Council into his confidence as regards this question, but we see that March is now passing away and still the question hangs fire.

The other point to which I wish to draw attention of this Council is about the state of work in the High Court of the Agra Province. It is anything but desirable. A person who lodges an appeal especially in a civil suit has to wait at least for two years before his appeal is taken up, and oftener than not it happens that he dies and his son dies and everybody seems to lose an interest in it. It is for this reason that I think that immediate steps should be taken to add at least two more Judges to the Bench.

The third point that I wish to speak about is one under the head of general administration. Under this head I find that about two lakhs have been added. The question of the Indianization of services has been discussed by some of the members, but we are not near the solution of this



question in spite of the fact that various commissions and committees have been formed from the early eighties down to the present day. Some of these committees make but very niggardly recommendations, while others that make useful recommendations do not receive much consideration. Take the case of the executive branch of the Provincial Service. The deputy collectors are allowed to hold permanent charge of only two districts out of 48 districts that there are in these provinces. I admit that they are very frequently allowed officiating chances, but this is due only to the personality of the Chief Secretary. The rule, as it at present stands, very clearly lays down that an assistant of the Indian Civil Services cadre, even if he has only passed his examination and even if his service is only three or four years, is to take precedence over the seniormost deputy collector in the matter of officiating appointments, and it often happens that an assistant magistrate of five or six years' standing has become the boss of a deputy collector of 25 or even 30 years' standing. This is a state of things which I think needs immediate attention.

**The Deputy President :** The honourable member's time is up.

**Khan Bahadur Maulvi Fasih-ud-din :** Just one word more. Well, I need not say more.

**The Hon'ble Rai Rajeshwar Bali :**

[During this speech the Hon'ble the President resumed the Chair.]

I am grateful to my honourable friends for the very helpful criticisms which they have offered regarding the departments for which I am responsible. I call them helpful criticisms because, with the exception of one honourable friend, the member for Benares, who brought the charge of extravagance in respect of what he called the official universities, I am very doubtful if we can call the universities of Allahabad and Lucknow official universities, but he was pleased to call them so. The honourable members of the House have not laid at our doors the charge that we have been extravagant or profligate in the administration of our departments. Rather the cry has been that we should spend more, that we should get more money in order that we may be able to develop more the departments which have been truly called the nation-building departments. In this there is cause for gratification to both my honourable colleague the Nawab Sahib and myself, and I hope that this will help us in pressing through the Finance department on the Government of India to be more generous in the matter of the remission of our contribution, for even after the remission of 56 lakhs which they have granted we have still reason to feel that they have not yet treated us very generously.

**Raja Jagannath Bakhsh Singh :** Not at all.

**The Hon'ble Rai Rajeshwar Bali :** If we get a larger remission, we hope that we shall be able to spend more on our departments and thus help in advancing the material and moral progress of our provinces.

A number of criticisms have been offered regarding the working of my departments. I think I need not take them up individually at this stage. If the amendments that have been received in the Education department are a fair index of the amendments that will be received in connection with the other departments in my charge, I think they can be discussed before the House when we present our demands. We have received about 100 amendments in the Education department alone. I would only take up two or three.

[The Hon'ble Rai Rajeshwar Bali.]

by a large number of my honourable friends, I mean the need for the expansion of primary education, medical relief and rural sanitation. For primary education I would only say that I am as much in earnest about its expansion as any honourable member of this House. As I said last year, coming as I do from rural areas, I feel its want more than others who hail from the cities, and it is one of my ambitions to be able to help in its expansion. We appointed the Deputy Director of Public Instruction last year to report and give us a sound scheme on the lines of which we should proceed in this matter. His report is out and is in the hands of honourable members of this House. After that has been considered we shall formulate a scheme and come forward in the Council with demands for more money, but till that time, I think the Council will agree with me, we could not include any more sums in this budget for the expansion of primary education. All that we have done for the present is that we have entered into a contract with the district boards for the next three years, which will help them in knowing the position and in expanding it on definite lines. Further, we are providing two lakhs for the district boards in the budget to help them in making more buildings for the vernacular middle schools. As for medical relief, we have included two schemes in this budget. I am afraid, by some mistake, the amount for them has been placed under Public Health in the budget, but as a matter of fact it ought to come under Medical relief. Those two schemes I shall explain when I present the medical budget. And for rural sanitation we are including four new districts in the district health scheme, and are providing in this budget for the building of a hygiene institute without which no great progress can be made in the development of an agency for rural sanitation. If we have not been able to provide more money for rural sanitation or medical relief or education it has been mainly due to the fact that, as has been pointed out, this is an adversity budget. We did not know at the time when the budget was framed that we shall be getting this remission, and at that time we were faced with a deficit of 43 lakhs. For this reason our proposals could not go far. It has not been because we were less zealous: it has not been because we have not been active enough to formulate our proposals. I think the members of the Finance Committee and the Finance department will bear me out that on account of this stringency they had to cut down a number of our schemes. Then, Sir, it has been suggested that the expenditure on education is less this year than it was last year. I think that is a mistake. As a matter of fact, our budget is larger by a lakh and 94 thousand. In the first place the expenditure on the King George's Medical College of two lakhs has been transferred to the Medical department, and moreover a sum of Rs. 83,735 appears in the budget of the Public Works department. Therefore if we leave out these figures it will be found our budget is larger by Rs. 1,94,900. Moreover, we have had to provide certain loans and advances to various municipal boards for their water-works. In all, if we add these together I think the increase in our department would come to more than Rs. 2,00,000. Thus we have, faced as we were with financial stringency, got the most we could get, and at this stage I want to express my thanks to the Hon'ble the Finance Member and the Finance department for giving me as much as they could for the administration of the transferred departments. I am quite sure if they had more they would have given us more gladly.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I rise to reply to criticisms levelled against certain departments under me. The chief object of attack has been the undue delay with regard to the introduction of the scheme of separation of judicial and executive functions. I repeat here what I have said several times in reply to their interpellations that it is pending before the Government of India and we are in no way responsible for the delay. We sent the first reminder to the Government of India on the 10th of December, 1923, and were told that they were considering the question. A little while after another reminder was sent to them and a reply was received by this Government that the consideration of the matter has been deferred as they are waiting to hear from other Governments with regard to this proposal.

**Pandit Nanak Chand :** When was the second reminder sent to the Government of India ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** On the 20th of March, 1924. It was sent with the proceedings of the debate on the subject.

**Babu Bhagwati Sahai Bedar :** With recommendations ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** With our recommendations. It was no use sending reminders after reminders when the position was quite clear.

My honourable friend Nawab Muhammad Yusuf recommends that two more judges should be added to the High Court in addition to the two additional judges. I welcome the proposal, but I wish to tell him that whatever money will be saved, the major portion according to the wishes of the Legislative Council will go to the nation-building departments. If the financial conditions of our poor share would admit, every effort will be made to satisfy any department which needs money.

Motion was made by my friend Mr. Mukandi Lal with regard to the Kumaun division being recognized as a regulated province. The matter has been for a long time under the consideration of the Government. It has now been referred to High Court for consideration, and as soon as we hear from the High Court the work will be taken up.

Now I come to the Police department. I realize I am not in a happy position. It has been subjected to criticism that all the recommendations of the Economy Committee have not been carried out by this department. I beg to submit to this Council that under the pre-reform régime a committee composed of officials and many leading non-officials was constituted to consider and make certain recommendations with regard to the future of the Police department. That Committee made certain recommendations which were not carried out till the new scheme of reforms was introduced. An officer was deputed by the reformed Government to formulate definite scheme according to the recommendations made by that Committee. Another departmental committee was soon after constituted to consider further reforms in this department, and nothing was known of the recommendations of the Economy Committee till then. All members are aware that the Economy Committee was purely of an advisory character, and its recommendations were not binding on the Government. We have, however, appreciated a majority of their recommendations and have carried out most of them.

**Babu Sita Ram :** In trivial matters ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No, in many important matters. As to the point that the recommendations of that Committee ought to have been accepted *in toto* I need not enter into discussion, and would say that whatever was possible had already been cut down by the Police and the Police Decentralization Committees. Nothing more could be done without impairing the efficiency of the department.

The last point on which I wish to submit a few remarks to this Council is the criticism that the Government has been utilizing public money for the purpose of converting certain class of people to Christianity in the Convict Settlements. I refute the charge and assure the Council that it has never been the intention of the Government to show any partiality to any particular religion. I have heard from a reliable source that among the Bhandus there has been only one Christian, and I shall make an inquiry as to whether he was converted before he entered the settlement or after.

**Mr. E. A. H. Blunt :** It falls to my lot to gather up the crumbs of this feast of oratory, leaving the main dishes to the members of Government. The feast has been more than usually long, and it varied from the cold historical facts of Dr. Shafa'at Ahmad Khan to Mr. Paliwal's artful alterations. I hope I shall be able to do full justice to the tit-bits with which I have been provided.

The first point I wish to mention is that disastrous seven lakhs in Excise. On the one hand we find Mr. David exercised in mind because there are seven extra lakhs of revenue. On the other hand, we find Mr. Mukandi Lal equally exercised in mind because of seven extra lakhs of expenditure. If they had put their heads together they would have arrived at the solution. One cancels the other. It is a little feat of accounting which we have been compelled to carry out, as a result partly of the orders of the Government of India, partly of those of the Auditor-General. What happens is this. As the Council knows, the Government of India make all the opium that is produced in India. We have to buy that opium from them. Under the old system we did not pay them for it until we ourselves sold it. The result was that under the old system nothing appeared for the cost price of opium anywhere in the whole budget. All that was shown on the receipt side was the amount we ourselves got from the shop-keepers. Suppose the selling price was hundred rupees and the cost price to be paid to the Government of India was Rs. 30. Then what appeared in the budget was merely the Rs. 70 that we ourselves received. At last the Government of India decided that they would not wait so long for their money. They insisted on being paid for the opium as soon as we buy it. I am bound to say I have never been able to understand why they *did* wait, and the change was perfectly reasonable. But the result of that change, of course, is that we have got to provide a sum in the budget to pay for the opium. That is the seven lakhs shown on the expenditure side. On the other side there is another sum of seven lakhs, because instead of merely crediting ourselves with Rs. 70 a seer as we formerly did, we now credit ourselves with Rs. 100 per seer. That is the explanation of that seven lakhs on the revenue side. There are one or two other matters connected with Excise. Mr. Hafiz Hidayat Husain said that we ought to close shops on holidays. Well, he is a day behind the fair: we do so already. Both he and the honourable member for Naini Tal wanted us to put a further tax on foreign liquor, and advanced the argument that Bombay has done the same. Bombay's action is news to me; as a matter of fact, I do not see how they could do it. All foreign liquor that is imported

into India pays a customs duty and this customs duty is fixed by the Government of India. The so-called foreign liquor which is made in the country does pay an excise duty which is always fixed at the same figure as the customs duty on imported liquor. That is obviously necessary unless one or the other is to receive a bounty. We cannot, therefore, increase our excise duty unless the Government of India increase their customs duty. The only thing that we can do is to increase the licence fee on shops; and that we are actually doing. It is unnecessary, however, to say very much about excise. By Monday honourable members will have a copy of the Excise Conference's report in their hands, I hope. Last year there was a vigorous attack on excise. Well, I think that if all honourable members will read the report before they come to the excise demand on this occasion, they will either not attack it so vigorously, or possibly won't attack it at all. There is in one remark which has been made by many members which is of a rather wild nature. They assert that nothing has been done in this budget for the rural population, and that everything is for the benefit of the urban population. Apparently they think that there is nothing rural in the entire budget. Well, one reason why we have not put in much that is new in the budget for the benefit of the rural population is the fact that there is already so much there. How about land records? That is purely rural. How about irrigation? That is purely rural. How about district administration? Well district administration may or may not be of benefit to the rural population, that depends on the point of view. About 70 lakhs under education, a very large part of medical, a very large part of public health, quite a lot for roads are all for the rural population. Two or three members seem to be under the impression that the rural population do not use roads. They also seem to be under the further impression that there is nothing for mending the rural roads. As a matter of fact, we have a scheme to mend 338 miles of road, of which something like 250 miles are in the rural area. Finally, there is agriculture. Is not that rural? It seems to me that the rural population does fairly well out of the budget.

The honourable member for Naini Tal accused us of under-budgeting in the case of revenue. Well, if we have, I am proud to sin in the company of Gladstone. Gladstone's dictum was that you should always budget for revenue very closely and very carefully, even to the point of under-budgeting.

Another honourable member, Rai Bahadur Babu Vikramajit Singh, invited us to go in for a course of self-sacrifice all round. As far as I could make out, he wanted members of the Government to reduce their salaries, he wanted members of the all-India services to give up the Lee Commission concessions, he wanted the Provincial Services to give up a part of their pay. Why not go a little bit further? Why should not the Council also give up something? Then, in your old age, when you take your son on your knee, and he asks "what did you do in the great flood, Daddy," you will be able to reply, "I gave up part of my travelling allowance." Mr. Vikramajit Singh spoke of two calamities. I think if we accepted his advice, the all-India services at all events would regard Mr. Vikramajit Singh as a third calamity.

Several honourable members have been much troubled to find that our reduction in the contribution is only 56 lakhs. They say that it ought to be more, and spoke on the point with some heat. I fully agree that it ought to be more. But the fact is that it has been reduced

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according to the rules. Devolution Rule 17 gives the present figures of contribution. Members of Council have been grumbling about that rule for the last four years, but now they must stop. They can however find a fresh grumble in Devolution Rule 18, which regulates the manner in which a remission of the contribution is divided between the various provinces. That should be good news to the Council, for I am sure they will never be happy unless they are grumbling.

[A voice :—What about Bengal?]

**Mr. E. A. H. Blunt :** The Bengal remission was not carried out under the Devolution Rules at all. However, my own point of view is that it is not wise to look a gift horse in the mouth. The honourable member on my right said he regards the present remissions as a mere palliative for a chronic disease. Well, perhaps, we shall get another dose of the same remedy next year.

Now, I come to various minor points. First, I wish to protest against the honourable member for Bauda's allegation that the sub-divisional officer of Karwi is a mere *shikari*. Having been there myself for two years, and having worked harder there than I ever have anywhere else, I resent the imputation. Mr. Mukandi Lal gave us a long list of omissions on the part of the Government. They ranged from the separation of judicial and executive down to a picture gallery. It included mad dogs and particularly lively panthers. I should like to point out that several of those omissions which he wants us to commit, so to speak, would cost little or nothing. It would cost nothing to put Kumaun under the High Court. I am not sure what particular brand of advisory committee Mr. Mukandi Lal desires, but, in any case, they too would cost nothing. I do not think it would be very costly to do sessions cases in Garhwal. I do not know much about the merits of these cases, but my point is that as they cost nothing, I do not see what they have got to do with the budget. Then he complained that we had made no reduction of circle inspectors. That is because we had reduced quite a number of them last year. He also mentioned two other points. One was the increase of English expenditure since 1921-22. Well, there are two causes for this increase. The first is that relatively little leave was taken in 1921-22, and the second cause was that in that year we paid for no pensions at all. Our pension charges only began from that year; and, of course, they rose steadily. His other point was the decrease under Public Health in the same period. This is explained by the fact that a great deal of the Public Health expenditure that was shown under revenue in that year has now passed under capital.

Next I take the points raised by the honourable member for Naini Tal. He wanted us to show the working expenses of the Irrigation branch in a particular way. Well, he himself whilst speaking saw the difficulty. Our accounts have got to correspond with the Finance and Revenue accounts of the Government of India. Consequently we cannot do as he wishes. But if he would let me know exactly what he would like, I will make the information accessible to him at budget time. He also wanted figures which amount to the capital account of the Irrigation branch. I do not propose to give him that, because that account is already given in full detail in the Irrigation branch. Administration report. He also wanted similar details for the Forest department. Forest has no capital account as yet, but I hope, by next year, we shall have one. The difficulty in the case

of forest is that all expenditure of a capital nature has till recently been debited to revenue, and to obtain a capital account the figures for some ten years have to be sorted out. That is now being done. He also wished to know what the rate of exchange had been, and why it was not mentioned in the memorandum. I will deal first with the second point. Loss by exchange is broken up in small amounts all over the budget, with the result that in each case it is a trivial matter, so that the need to mention the rate was overlooked. I will see that in future it is given a prominent place. The rate was  $1/4\frac{1}{2}$  in budget estimates of this year, it was  $1/5\frac{1}{2}$  in the revised, and it is  $1/6$  in the budget of 1925-26. The saving as between budget and revised is Rs. 1,80,000, and there will be a further reduction of Rs. 70,000 next year. But of course this reduction is partly due to the fact that less money will be spent in England.

He also wishes to know why the Lee Commission concessions have not been broken up and shown under the various heads. He is under the impression that the increased pay has been drawn from the 1st of April, 1924. In fact it is being drawn with effect from that date: but it was only paid for the first time on the 1st February, 1925. We have not therefore yet got the figures divided up by heads. As a matter of fact, all figures have been worked out very hurriedly in the month of January. I may, however, point out that the main charge, namely, the overseas pay, will appear entirely in the High Commissioner's budget, whilst there will be corresponding reductions in the other budgets.

I now come to Mr. David. At every budget I have to search for something with which I can fitly compare Mr. David. I think this time two comparisons are possible. One of them is his royal namesake. King David, in moments of exaltation, used to sing songs in the most unusual places before the ark, for instance. So does the honourable member. But whereas King David varied the song, Mr. David's song is always the same. Its theme is always the United Provinces Development Fund, and the deficit. Fortunately, I have not got to reply on that point, as the Hon'ble the Finance Member has taken the task upon himself this time. The other comparison is Mr. Jorrocks's famous horse . . .

**Mr. H. David:** On a point of order, Sir. Is Mr. Blunt in order in making personal remarks of this sort?

**Mr. E. A. H. Blunt:** Very well, I will pass over the horse.

I now come to Dr. Shafa'at Ahmad Khan. There are several points on which he desires information. The first thing he wished to know was the distribution of the police constabulary. I am not quite clear what he wants, but probably he wants the figures by districts. If that information is to be given the size of the budget will be greatly increased, and I do not think it can be done. The actual figures of distribution can always be obtained from the head of the department. The persons included in "constabulary" are constables and head constables, what I may call the rank and file.

**Dr. Shafa'at Ahmad Khan:** That was only an example.

**Mr. E. A. H. Blunt:** Then, if the honourable member wants this information also for other similar establishments, it becomes all the more impossible to give such details in the provincial budget, because of their large number. He further considered that the supplementary estimates were too numerous and too large. Well, within limits the Finance

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department takes the same view and is going to do its best to keep them down. At the same time it is wrong to say that supplementary estimates are very few in England. I remember that there were some in February last. And even if they are comparatively few in England, I should like to remind him of the English method of appropriation in aid. That means that within certain limits the departments can use for their expenditure revenue that they have themselves collected. There was one case in England in which a supplementary estimate for £ 5 millions was passed by Parliament on a token estimate of £ 10 because the department had collected the £ 5 millions in revenue itself and had appropriated it. That explains why there is less need for supplementary estimates in England than here. He was further anxious regarding control of expenditure. He is himself a member of the Public Accounts Committee, and is therefore aware that we have done our best to improve such control by a system of a transitory kind, and that we hope in due course to introduce a very much bigger system, viz., the separation of audit and accounts, which will have the same effect. We have actually been experimenting with that scheme during the present year, but I cannot say when it will be finally introduced.

He also wanted Estimates Committee on the English model. The weakness of the Estimates Committee, as I have always understood, is that it only examines an estimate after it has been passed by Parliament. That is rather late in the day to examine an estimate. The examination can only have effect on the estimates of *next* year. In any case, we do not need a special Estimates Committee. We have our Finance Committee, and if anything of that kind is to be done, it will naturally be done by that Committee.

The last point that I want to make is suggested by a remark of my friend sitting on my left (Dr. Ganesh Prasad). He said that my Deputy Secretary, Mr. Bajpai, has been very helpful to the Finance Committee. I should like to add that both Mr. Bajpai and Mr. Teyen have been of the greatest help to me in preparing this difficult budget.

**The Hon'ble Mr. S. P. O'Donnell:** I have to thank many honourable members for what they have said with regard to me personally. Their references to me have been more generous than just, because any credit which is due, is due not to me but to the Financial Secretary and to his able assistants, Mr. Teyen, Mr. Bajpai and Mr. Jones.

I agree with the honourable member for Naini Tal and also other honourable members that our financial position compares unfavourably with that of many other provinces. That has not been the result of any special extravagance on our part. On the contrary, we have carried retrenchment at least as far as, if not further than, any other province, and as the Council are aware, our standard of expenditure with one exception is the lowest in India. If our position is worse than that of other provinces, it is because relatively to our population and our needs our resources are smaller. The pre-reform settlements were based on the standard of expenditure obtaining at each revision of settlement. Our standard was low and for that we suffered at every fresh settlement. The Meston award was no exception. It is true that it increased our resources, but the greater part of that increase was absorbed by the revision of salaries forced upon us by the rise in prices, whilst the award



took little account of the large assests of administrative progress, the existence of which was admitted. At the same time I cannot admit that the situation is as serious as some honourable members have contended. In 1923-24 we budgeted under civil heads for receipts which practically equalled the expenditure. It is true that when the accounts came to be made up at the end of the year there was a difference of 20 lakhs, due mainly to a falling off in our receipts, particularly under Excise. In the year 1924-25, however, we budgeted under these heads for a surplus of 8 lakhs, and but for the floods, that surplus would have been substantially larger. Taking the two years together, the receipts and expenditure would have practically balanced. In the budget for 1925-26 we proposed originally to take a loan of 43 lakhs to cover a deficit of that amount, due to the same cause. If, as is now highly probable, we are going to get a remission of 56 lakhs, it will be unnecessary to take that loan, and there will be no deficit. Nor in fact would there ever have been any question of taking a loan to cover the deficit, but for the calamity which overtook us in September last. One honourable member indeed suggested that for that misfortune we are ourselves responsible. He did not allege that the rainfall is actually under our control, but he suggested that the floods were a divine warning against an iniquitous Government. Last year another honourable member suggested that the propitious rains which fell during the cold weather of 1923-24 were a divine admonition against the enhancement of the irrigation rates. If both these critics are correct, there appears to be remarkable difference in the form which these divine warnings have taken, for the rains of the last cold weather, though they reduced our irrigation revenue, were highly beneficial to the people, while the rains of last September have brought suffering and loss to thousands of humble cultivators. I leave it to the honourable members to explain the difference. For myself I can only wonder at the intimate acquaintance which the honourable members seem to possess with the workings of Providence.

It is true that we have not yet paid off the overdraft on the Development Loan, nor do I see any possibility of our doing so until the greater part of our contribution has been remitted. But, at any rate, the position is better than it was some years ago. If honourable members will turn to the Financial Statement for 1923-24, they will see that the overdraft at the end of 1922-23 was estimated at 194 lakhs. At the end of 1923-24 it was 129 lakhs, and at the end of 1924-25, had the budget worked out as anticipated, it would have been 111 lakhs, but owing to the floods it rose to 171 lakhs. At the end of 1925-26, according to the budget as presented to the Council, it will be 134 lakhs, but if we are to get a remission of 56 lakhs, and a point to which I shall recur later, if no additional expenditure is provided for the figure will be 13 lakhs better.

Nor, again, can I admit that our total borrowings have been excessive in relation to the resources of the provinces. The interest on the Sarda canal will be recovered by the receipts. There may in addition be a small profit, but, at any rate, the receipts will cover the interest charges. I do not quite follow the remarks made by some honourable members regarding the cost of the construction of that canal. According to my information there will be little difference between the cost as originally estimated and the cost as finally shown in the accounts. The late Lord Salisbury once said that in this very uncertain world there was one thing which was certain, and

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The case of the Sarda canal, however, is likely to be an exception to that dictum. As I told the Council last year, there has never been a big project of that kind in India in which greater attention has been shown to economy. The work is in the hands of the best engineers of the province, and when I went to see the Sarda headworks last cold weather, I was filled with admiration at the ingenuity shown by them in keeping down the expenditure. If any honourable members have any doubt on the point, even after reading the annual reports which some of them do not seem to have read, I would advise them to go to the headworks themselves. If they go there they will be welcomed by the staff, and I am confident that they will return completely satisfied.

Some honourable members have referred to the amount of expenditure which is non-voted. In the budget for 1925-26, allowing for the remission, the figure under this item will be 44 lakhs. Nearly three-fourths of this is on account of the contribution, the Famine Insurance Fund and the debt charges, and even if the constitution were radically altered, would not be voted. These charges are analogous to the charges which in England are borne by the consolidated fund and are not voted by Parliament.

The other main head is "salaries". Allowing for the Lee Commission, the amount under that head next year is Rs 103 lakhs. In 1921-22 it was 112 lakhs, so that since the inception of the reforms there has been a reduction in the amount of expenditure which owing to the peculiar character of our constitution is non-voted. Nearly all the honourable members who have spoken have referred to the Lee Commission and to the increased expenditure which we shall have to bear in connection with the recommendations of that Commission. I do not of course take seriously the suggestion that the members of the all-India services should forego the concessions granted to them. I know of no particular reason why public servants should be supposed to be under a special obligation to impose on themselves a self-denying ordinance. They are as much entitled as anybody else to a fair rate of remuneration. The fees of professional classes—I mention them because the suggestion has emanated from honourable members who belong to these classes—are a great deal higher than they were before the rise in prices, but I have yet to learn that they are foregoing any portion of their fees in the interest of the public exchequer. It would not be difficult on the merits to answer the criticisms that have been levelled against the recommendations of the Commission. It would not be hard in my humble judgment to show that the concessions granted are neither excessive nor disproportionate to those that have been sanctioned in recent years in the case of other services. It also seems to me demonstrable that if these concessions had not been granted candidates of the right type would not have been available. India is passing through a difficult period of transition, and during that stage at any rate it needs more than ever the assistance of an efficient and contended Civil Service. I shall not, however, pursue the argument because all-India services are not a provincial but a central subject. They are not controlled by the Local Government but by the Secretary of State, and it is for the Government of India to defend or expound his orders and not for us. But there is one point to which I desire to invite the attention of the Council. It is surely wrong to treat the proposals of the Lee Commission as if they were concerned exclusively with the pay of the all-India services. That is one side of the recommendations, but there

is also another side, namely, the Indianization of services. The Commission have made far-reaching proposals on that subject. Certain services are to be transferred entirely to popular control, and in the others the proportion of Indian recruitment is to be largely increased. Taking the recommendations as a whole, as they should be taken, there will be no ultimate increase in expenditure. There will be an increase in the immediate future, but ultimately that increase will be more than covered by the reduction in expenditure consequent on the other proposals of the Commission.

Pandit Nanak Chand and some other honourable members have criticized our treatment of the Famine Insurance Fund. The Famine Insurance Fund is governed by statutory rules which prescribe strictly the objects on which the fund is to be expended, and we have violated the provisions of these rules. If we had done so we should have been challenged in audit. The debits against the fund, namely, the working expenses of the protective canals, the interest on these canals and on the Sarda canal are perfectly legitimate charges. The Sarda canal may or may not yield a small profit, but it is certainly largely protective, and for that reason it is legitimate to debit the interest to the Famine Insurance Fund. I admit that, partly on account of these debits and partly on account of the expenditure which we had to incur on the floods, the Famine Insurance Fund stands at an undesirably low figure of 12 lakhs. Nevertheless, the position is a good deal better than Pandit Nanak Chand seems to suppose. He has taken no notice of the large recoveries which will be made owing to the large advances of taqavi. We estimate that allowing for these recoveries and allowing for the annual contribution of Rs. 39,60,000, the amount in the fund next year will be 90 lakhs. Whether we can continue to debit as much interest to the fund as we have done this year is a matter which must be left for consideration when the budget is being framed for the following year. Much will depend on whether we get a further remission of our contribution to the Government of India. On the subject of economy and retrenchments less has been said than has been usual in the past. I hope I may take that as an indication that the Council recognizes that in this direction at least we have made a very serious effort. At any rate, the only possible further economies which have been mentioned have been a reduction of the number of Commissioners, the abolition of districts, certain economies proposed in the Police department by the Economy Committee, the abolition of the Publicity Office, the amalgamation of the Chief Conservator's office with the Secretariat, the abolition of the post of Chief Secretary and the new post of the Deputy Secretary in the Finance department. The amalgamation of the office of the Chief Conservator with the Secretariat would not, as far as we can see, mean any economy, nor would the abolition of the post of Chief Secretary. As regards the Deputy Secretary of the Finance department, I need say little. That matter was before the Council recently and the Council accepted our view that an extra Deputy Secretary was required in the Finance department. As to the Publicity department, the honourable member who has referred to it is under some misapprehension. We are abolishing the Publicity department and reconstituting the newspaper branch in the Secretariat and effecting thereby a substantial economy. As to Commissioners, I can tell the Council no more than what I have already said. We have submitted our proposals to the Government of India and we await the orders of the Secretary of State. The question is one which in principle affects a number

[The Hon'ble Mr. S. P. O'Donnell.]

take some time before announcing their decision. As to the Police department, there is no other department in which economy has been carried out more rigorously. If honourable members will refer to the resolution that was published last year, they will see that in two years the expenditure was reduced by 20 lakhs and that the district executive force was reduced by 2,000 men. It is true that we have not been able to accept some of the recommendations of the Committee. I think the Committee were under some misapprehension as regards the number of Assistant Superintendents and Deputy Superintendents. As a matter of fact we have less Assistant Superintendents and Deputy Superintendents than they estimated to be required. We were unable to accept their proposals as regards Deputy Inspectors-General, and we have given our reasons at length in our resolution. I can only ask honourable members to read or, if they have already read, to read again our remarks on that subject. As to Circle Inspectors, we have reduced their number by 37, and if we were unable to make the full reduction recommended by the Committee, that was because the Committee's proposal that the Circle Inspector should be limited to the investigation of crime only would have materially weakened the existing agency for dealing with crime. We have decided, as the Council knows, to abolish no districts. I was surprised to hear it suggested that we ought to have abolished some. The recommendations of the Committee were published more than a year ago; we have had many meetings of the Council in the interval, and yet until yesterday not a single voice has been raised, whether by question or by resolution, in favour of abolition of districts. The people in the districts concerned protested strongly against abolition, and until yesterday I was confident that every member of this Council would have endorsed their opposition. As only two members have referred to the question, perhaps I may take it that they stand alone in this matter.

Some members have deplored the inadequacy of the sums provided for the transferred departments. I should have been very glad indeed had it been possible to provide larger sums in the budget. It is true, as has been said, that larger share of our total expenditure is under the reserved heads. That is inevitable. After all, the reserved departments are the primary departments. We must maintain a police force, we must maintain law courts, and we must maintain staffs for the collection of our land revenue, forest revenue and irrigation revenue. If we did not do so, the transferred departments would not merely suffer, they would disappear. On the other hand, we do recognize that the transferred departments are the expanding departments. They have had year after year the lion's share of the new expenditure. The year 1920-21 was the year immediately preceding the inauguration of the reforms. In that year the expenditure under Land Revenue, General Administration, Administration of Justice, Police, Jails and Forests was 534 lakhs. I omit the Irrigation department because the calculation is complicated by the interest on Sarda. If the necessary adjustment were made it would not materially alter the conclusion. In 1921-22 the expenditure on these departments was 582 lakhs and in 1925-26 it will be 526 lakhs. In 1920-21 the expenditure on the main transferred departments, viz., Education, Agriculture, Industries, Medical, Public Health and Loans to local bodies, was 185 lakhs; in 1921-22 it was 245 lakhs, and in 1925-26 it will be 273 lakhs. Therefore, while there has actually been a decline in the expenditure under

the main reserved departments, there has been an increase of over 47 per cent. under the main transferred departments.

It is possible, however, that we may be able to provide a larger sum for the transferred departments. I say possible because the decision rests with the Council. In the budget as presented we estimated for a closing balance of a little over 15 lakhs. If, as now seem highly probable, we are to obtain a remission of our contribution to the extent of 56 lakhs, our receipts will be higher by 13 lakhs. They will, of course, not be, as some honourable members seem to suppose, higher by 56 lakhs, since, if we get the remission, we shall not borrow 43 lakhs from the Government of India. I confess that I should like to add that sum of 13 lakhs to our closing balance. I quite agree with Pandit Nanak Chand that we ought to have a closing balance of 25 lakhs. Indeed, personally I should be inclined to go further. In the pre-reform days when our expenditure was much smaller, we were never allowed to have less than 20 lakhs as closing balance, and I should like to see a closing balance of 35 lakhs.

**Pandit Nanak Chand :** I said 25 lakhs.

**The Hon'ble Mr. S. P. O'Donnell :** Quite so. But I am prepared to go further, I should like to see a closing balance of 35 lakhs. At the same time we are anxious to meet the wishes of the Council regarding the transferred departments and we are therefore prepared to take risks. We cannot indeed assume, as the honourable member for Naini Tal assumes, that our revenue receipts will be higher than estimated in the budget. I have had several anxious consultations with the Finance Secretary during the last week on this point, and I am afraid the odds are the other way. We have assumed that our excise revenue will be eight lakhs higher than last year. That was the estimate of my advisers who are better qualified to make a forecast than I am, but I confess that I have some misgivings. We have been disappointed year after year in the matter of our income from excise, and I cannot feel confident that we shall be more fortunate next year.

Under the still more important head of Land Revenue the outlook has seriously deteriorated since our estimates were framed. The *rabi* has been damaged by the frost and by the high winds, and the outturn, as a whole, will now be poor to moderate. It is very doubtful, therefore, whether we shall get 15 lakhs more than the revised as we estimated. Assuming, however, that our receipts will reach the figure shown in the budget—that is the utmost assumption that I can make—assuming further that we get our remission and that the Stamp Act is passed, then we are willing to accept a closing balance of 20 lakhs. If we get our remission, and if the Council will pass the Stamp Act, we are prepared to place nine lakhs extra at the disposal of the transferred departments. That will bring the new expenditure on the transferred departments up to nearly 25 lakhs in addition to nearly 80 lakhs provided under capital head. There will be no difficulty about earmarking. The schemes are ready, and all that will be necessary will be to present supplementary estimates on the 1st April.

The Council was then adjourned until Monday, the 15th instant.



# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Monday, the 16th March, 1925.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m.  
The Hon'ble the President in the Chair.

## PRESENT :

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. E. J. K. Hallows.  
Mr. O. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad E'jaz Rasul Khan.  
Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Jai Narayan Chaudhri.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Shib Narayan Singh.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Bahadur Pandit Kharagjit Misra.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.

Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Lieut. Raja Bahadur Hukm Tej Pratap Singh.  
Pandit Sri Krishan Dutt Paliwal.  
Babu Parsidh Narayan Anand.  
Pandit Yajna Narayan Upadhyaya.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Baijnath Misra.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukand Lal.  
Babu Ram Chandra Sinha.  
Dr. Jaikaran Nath Misra.  
Kunwar Rajendra Singh.  
Rai Bahadur Thakur Mashal Singh.  
Kunwar Surendra Partap Sahi.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Naim Ansari.  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Lieut. Nawab Jamshed Ali Khan.  
Maulvi Obaid-ur-Rahman Khan.  
Hafiz Hidayat Husain.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsb Singh.  
Rai Bahadur Babu Vikramajit Singh.  
Dr. Ganesh Prasad.

## QUESTIONS AND ANSWERS.

## STARRED QUESTIONS.

## NORMAL PASSED AND TRAINED TEACHERS.

\* 1. **Mr. Muhammad Aslam Saifi** : Will the Government be pleased to state the number of teachers normal passed and trained—

(a) Hindus,

(b) Muhammadans,

employed in district board primary, upper primary, and middle schools in the United Provinces ?

<b>The Hon'ble Rai Rajeshwar Bali</b> :	Hindus...	...	20,522
	Muhammadans	... ..	2,833

## DISTRICT GAZETTES.

\* 3. **Dr. Shafa'at Ahmad Khan** : (1) In what districts are the *District Gazettes* published under the supervision of collectors and the editorship of deputy collectors ?

(2) Do these *Gazettes* deal with political matters ?

(3) Who is the proprietor of these periodicals ? How are the funds provided for them and who exercises control over these funds ?

(4) Will the Government be pleased to place on the table the latest order issued by it on the subject of these *District Gazettes* ?

**The Hon'ble Mr. S. P. O'Donnell** : (1) *District Gazettes* are edited by deputy collectors in Bulandshahr, Aligarh, Budaun, Kheri, and Gonda and are supervised by collectors in Kheri and Gonda only.

(2) As a rule the *Gazettes* do not deal with political matters.

(3) The periodicals are owned either by the district board or by the Aman Sabha or by a private individual, or a committee of private individuals. They are mostly self-supporting but in a few cases are assisted by the district board or the Aman Sabha.

(4) No order was issued by Government.

**Mr. Muhammad Aslam Saifi** : How is it that the services of deputy collectors are utilized for editorial purposes if the periodicals are owned by private individuals ?

**The Hon'ble Mr. S. P. O'Donnell** : The periodicals render useful work as is explained in the answer.

\* 4. **Hafiz Hidayat Husain** : Are *District Gazettes* yet published in these provinces ?

(i) If so, in which district or districts ?

(ii) Who bears their expenses ?

(iii) Are they edited by deputy collectors, secretaries of district boards or other officials connected with the Government ?

(iv) Do they deal in politics ?

(v) Is any public money spent over them ? If so, will the Government lay on the table a statement showing the amount of public money spent over these *Gazettes* in the year 1923 ?



- (vi) What particular purpose are these *District Gazettes* intended to serve?

**The Hon'ble Mr. S. P. O'Donnell :** (i) Saharanpur, Muzaffarnagar, Meerut, Bulandshahr, Aligarh, Mainpuri, Bijnor, Budaun, Etawah, Jaunpur, Ghazipur, Basti, Azamgarh, Almora, Unao, Sitapur, Hardoi, Kheri, and Gonda.

(ii) The expenses are met out of subscriptions, charges for printing summonses, notices, and advertisements and in a few cases out of the funds provided by the district board or the Aman Sabha.

(iii) The Gazettes are edited in five places by deputy collectors ; in others they are edited by secretaries of district boards or non-officials.

(iv) As a rule the Gazettes do not deal with politics.

(v) No.

(vi) The purposes of the Gazette are to keep the public in touch with local orders and news and to publish instructive articles on agriculture, sanitation, industry, hygiene, and other useful subjects.

**Babu Bhagwati Sahai Bedar :** Do these deputy collectors receive any remuneration for it.

**The Hon'ble Mr. S. P. O'Donnell :** They receive nothing.

**Babu Bhagwati Sahai Bedar :** Does it not tell on the general administration or their legitimate duties ?

**The Hon'ble Mr. S. P. O'Donnell :** I don't think so

#### PROSECUTIONS UNDER THE FOOD ADULTERATION ACT.

\* 5. **Mr. H. David :** (a) Will the Government be pleased to give the number of prosecutions under the Food Adulteration Act (specially in respect of *ghi*) in these provinces in the years 1921, 1922, and 1923 ?

(b) What municipalities are specially active in enforcing the provisions of the Act for stopping adulteration of *ghi* ?

(c) Have instructions been issued to the authorities concerned for vigilance in respect of stopping the sale of adulterated *ghi* and, if so, when were such instructions issued last ?

**The Hon'ble Rai Rajeshwar Bali :** (a) 222. These include the prosecution for *ghi*.

(b) Muttra, Lucknow, Pilibhit, Naini Tal, Dehra Dun, Mussoorie, and Hardwar.

(c) No instructions have been issued by Government.

#### DISTRICT BOARD ROADS, NAINI TAL.

\* 8. **Pandit Govind Ballabh Pant :** Is the Government aware of the fact that considerable damage was done to the district board roads in Naini Tal district by recent floods and that the Khairna-Gurari and Bhujan-Betalghat roads were washed away ?

**The Hon'ble Rai Rajeshwar Bali :** The statement made in the question is substantially correct.

\* 9. **Pandit Govind Ballabh Pant :** Has the Government made any special grant to the district board, Naini Tal, for the repair and reconstruction of the roads ? If so, will the Government be pleased to state the amount ?

**The Hon'ble Rai Rajeshwar Bali :** Not yet. The amount has not been settled.

**Pandit Govind Ballabh Pant :** May we know when we can receive this information ?

**The Hon'ble Rai Rajeshwar Bali :** We are receiving reports from various districts.

#### REDUCTION ACCORDING TO THE ECONOMY COMMITTEE'S REPORT.

\* 12. **Lala Mathura Prasad Mehrotra :** Will the Government be pleased to give a list of the items which came under reduction in accordance with the report of the Economy Committee and to mark those which have again been revived during the course of the past year with reasons, if any ?

**The Hon'ble Mr. S. P. O'Donnell :** The various reductions made as a result of the recommendations of the Economy Committee are fully described in resolutions Nos. B.789/X—134, and B.803/X—134, dated respectively the 23rd February, 1924, and 23rd February, 1925. No reduction so effected has since been revived, but the resolution issued in February last mentions cases where the Government contemplate the restoration of some posts that have been brought under reduction.

**Lala Mathura Prasad Mehrotra :** Will the Hon'ble the Finance Member restore the departments ?

**The Hon'ble Mr. S. P. O'Donnell :** The honourable member will find information in the resolution.

**Lala Mathura Prasad Mehrotra :** What about the rest of the recommendations of the Economy Committee.

**The Hon'ble Mr. S. P. O'Donnell :** I would again refer him to the second resolution issued.

#### COMMUNIST ASSOCIATIONS.

\* 15. **Pandit Sri Krishna Dutt Paliwal :** Will the Government be pleased to state its policy regarding the associations formed to propagate Communistic principles in these provinces in general and the Indian Communist party of Cawnpore in particular ?

**The Hon'ble Mr. S. P. O'Donnell :** These and other associations have nothing to fear unless the law is contravened.

#### GAMBLING AND SPECULATION AT AGRA.

\* 16. **Pandit Sri Krishna Dutt Paliwal :** Will the Government be pleased to state what steps the local officials at Agra are taking to put down the evil of gambling and speculation which is on the increase there ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** It is not admitted that gambling at Agra is on the increase. Greater efforts have been made during the past year to check it. The number of prosecutions in 1924 was 59 as against an average of 35 for previous years. Prosecutions for *satta* gambling during the past year have been more successful than in previous years.

## TIMES SCALE TO MODEL SCHOOL TEACHERS.

\* 17. **Babu Khem Chand :** (a) Will the Government be pleased to state whether it has taken any action on the resolution which was passed unanimously on the 30th of January, 1923, regarding the grant of time-scale of pay to model school teachers?

(b) If the answer to the above be in the affirmative, will the Government be pleased to state when it is likely to be given effect to?

(c) If the answer to part (a) be in the negative, will the Government be pleased to give reasons?

(d) Will the Government be pleased to state if it now proposes to introduce time-scale of pay among the aforesaid teachers?

**The Hon'ble Rai Rajeshwar Bali :** The honourable member is referred to the proceedings of the Legislative Council meeting held on the 3rd March, 1925, when a resolution on the subject was moved by Babu Parsidh Narayan Anad Sahib.

## SCHOLARSHIPS TO STUDENTS OF DEPRESSED CLASSES.

\* 18. **Babu Khem Chand :** Will the Government be pleased to place a statement on the table separately showing the number and amount of scholarships given to the students of the depressed classes receiving primary, secondary and higher education in the year 1924-25.

**The Hon'ble Rai Rajeshwar Bali :** Provision has been made for the award in 1924-25 by district boards of 175 scholarships of the value of Rs. 6 per mensem, tenable in vernacular secondary schools for 33 months, to children of the depressed classes, at a total cost of approximately Rs. 12,600 per annum. There are no scholarships in English institutions reserved for children of the depressed classes.

**Pandit Bhagwat Narayan Bhargava :** Is Government going to distribute these scholarships amongst district board?

**The Hon'ble Rai Rajeshwar Bali :** They have been distributed.

**Babu Nemi Saran :** Did the money come from Government?

**The Hon'ble Rai Rajeshwar Bali :** Yes.

## MUTATION OF OCCUPANCY TENANTS.

\* 19. **Babu Khem Chand :** (a) Will the Government be pleased to state the number of cases pending in the revenue courts of districts under settlement operations about mutations of names of occupancy tenants?

(b) Does the Government propose to issue orders to postpone such cases till the new Tenancy Act is passed?

**The Hon'ble Mr. S. P. O'Donnell :** Settlement operations are in progress in no districts at present; the number of cases at present pending for the correction of papers in respect of occupancy tenants in the districts where records are being revised is not known, but Government do not propose to issue any orders with regard to them.

## COMMERCE DEGREES OF THE ALLAHABAD AND LUCKNOW UNIVERSITIES.

\* 21 **Khan Bahadur Munsif Siddiq Ahmad :** (a) Will the Government be pleased to state whether the graduates in Commerce (B. Com) like

those in Arts and Science of the Lucknow and Allahabad universities are allowed to take up the courses of Law and M. A. (in Economics) of those universities ?

(b) If the answer be in the negative, what are the reasons for debaring the Commerce graduates from those studies ?

**The Hon'ble Rai Rajeshwar Bali :** (a) Government understand that the reply to the first part of the question is in the negative.

(b) Government have no information.

\* 22. **Khan Bahadur Munshi Siddiq Ahmad :** Is it a fact that no subjects of the B. Com. courses of the Allahabad and Lucknow universities are included in the competitive examination of the United Provinces civil service ?

**The Hon'ble Mr. S. P. O'Donnell :** The answer is in the negative.

#### TECHNICAL EDUCATION.

\* 23. **Dr. Shafa'at Ahmad Khan :** Have the Government decided to carry into effect the resolution moved by Babu Sita Ram in the January meeting of the Council regarding technical education ?

\* 24. If not, will the Government be pleased to state the reasons ?

**The Hon'ble Rai Rajeshwar Bali :** Government have decided in the first instance to refer the resolution in question to the Board of High School and Intermediate Education and the Board of Vernacular Education for their views and suggestions.

#### LOAN FROM GOVERNMENT OF INDIA.

\* 25. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have applied to the Government of India for a loan to meet the amount spent in the flooded area of this province ?

If so, what is the amount of loan and on what terms has it been granted ?

**The Hon'ble Mr. S. P. O'Donnell :** (1) Yes.

(2) The amount is Rs. 48,69,000. The period of repayment is fifty years; the rate of interest is not yet definitely known, but will probably be something under 6 per cent.

\* 26. **Dr. Shafa'at Ahmad Khan :** Does the Government contemplate raising another loan in the near future ?

**The Hon'ble Mr. S. P. O'Donnell :** Government intend to raise no loan, save such as has already been announced in presenting the budget.

#### RIOT IN DISTRICT JAIL, GONDA.

\* 28. **Babu Bhagwati Sahai Bedar :** Will the Government be pleased to state if there was any riot in the Gonda district jail very recently ? If so, what were the causes of this riot ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** An attempt to assault a head warder is reported to have been made on the 1st February, 1925, by certain convicts, one of whom had been found by the head warder in possession of forbidden articles. A convict overseer who with other convict overseers prevented the assault was struck by one of the convicts.

**Babu Bhagwati Sahai Bedar :** Was the conduct provocative ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I suppose so.

**Mr. Mukandi Lal :** When did the forbidden articles appear before or after ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** So far as I know, before.

**Mr. Mukandi Lal :** What are the forbidden articles ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I must ask for notice.

**Babu Bhagwati Sahai Bedar :** What action is Government going to take against the warder ?

**The Hon'ble the President :** The warder ? You mean the convict ?

**Babu Bhagwati Sahai Bedar :** The warder, Sir, because, as the Hon'ble the Home Member says, his conduct was provocative.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No ; not the warder's conduct.

#### VISITS TO GOVERNMENT INSTITUTIONS BY MEMBERS OF THE LEGISLATIVE COUNCIL.

\* 30. **Babu Bhagwati Sahai Bedar :** Are the members of the Legislative Council allowed to visit institutions under the control of transferred departments within their constituency ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Visits by honourable members will be welcome. Inspections are a different matter.

**Babu Bhagwati Sahai Bedar :** Will they be allowed to write inspection notes ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The reply has been given already.

**Babu Bhagwati Sahai Bedar :** What is the definition of "inspection" ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The honourable member is referred to the dictionary.

**Mr. Mukandi Lal :** Are these visits concerned with the outward looks of the buildings or the working of the institution ?

**The Hon'ble the President :** passed on to the next question without waiting for a reply.

#### VILLAGE *panchayats*.

\* 31. **Chaudhri Jaswant Singh :** Will the Government be pleased to state the special cause for which the formation of village *panchayats* has been stopped ?

**The Hon'ble Rai Rajeshwar Bali :** The facts are not as the honourable member suggests.

#### SUB-DIVISION LALITPUR, JHANSI.

\* 32. **Hafiz Hidayat Husain :** Will the Government be pleased to state—

(a) how many deputy collectors have been put in charge of independent sub-divisions like Lalitpur during the last two years ;

(b) how many of these were in the selection grade;

(c) whether deputy collectors in the selection grade were available and if they were available, why were they passed over?

**The Hon'ble Mr. S. P. O'Donnell:** (a) Deputy collectors were posted to these sub-divisions on twelve occasions.

(b) On two occasions.

(c) In most cases the most convenient arrangements in the division were made, and the question of supersession does not arise. Many of the selection grade deputy collectors were employed in more important posts or were on leave. Some of the vacancies were of short duration.

#### BOBBIN FACTORY-CLUTTERBUCKGANJ.

\* 36. **Lieut. Nawab Jamshed Ali Khan:** Will the Government be pleased to lay on the table a copy of the Government agreement with the syndicate or company *re* the transfer of the Bobbin Factory, Turnery and Saw Mills at Clutterbuckganj?

**The Hon'ble Raja Sir Muhammad Ali Mukhammad Khan:** A copy of the agreements with the syndicate is laid on the honourable member's table.

#### GOVERNMENT SCHOOLS.

\* 37. **Thakur Manjit Singh Rathor:** (1) Is there any educational institution in the district of Dehra Dun which is run by the United Provinces Government?

(2) What are the names of those districts in which there is no Government high school?

**The Hon'ble Rai Rajeshwar Bali:** (1) No.

(2) Dehra Dun and Azamgarh.

**Thakur Manjit Singh Rathor:** May I know the reason why no school is maintained by Government?

**The Hon'ble Rai Rajeshwar Bali:** Because there are already two aided institutions.

**Thakur Manjit Singh Rathor:** Does Government think that the educational needs are satisfied as schools are at present?

**The Hon'ble Rai Rajeshwar Bali:** Yes.

#### GOVERNMENT WEAVING SCHOOLS.

\* 38. **Thakur Manjit Singh Rathor:** What is the number of Government weaving schools in the different divisions in the province?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** Two. Three new schools are about to be opened, and three aided schools will be converted into model schools, if funds are voted.

#### SCHOOLS FOR EUROPEAN BOYS AND GIRLS IN MUSSOORIE.

\* 39. **Thakur Manjit Singh Rathor:** (1) What is the number of educational institutions for European boys and girls in Mussoorie?

(2) (a) Is there any educational institution for Indian students at Mussoorie?

(b) What is the highest standard up to which education is imparted in this school ?

(c) What is the name of the body that maintains this school ?

(d) What is the amount of annual grant which the Government makes to this school ?

(3) Has the Government received an application for raising this institution to the standard of a high school ?

**The Hon'ble Rai Rajeshwar Bali:** (1) Eleven.

(2) (a) Yes.

(b) Middle standard.

(c) Municipal board, Mussoorie.

(d) Rupees 3,600.

(3) No.

**Thakur Manjit Singh Rathor:** Will the Government raise the school to the high school standard if application is received ?

**The Hon'ble Rai Rajeshwar Bali:** It will be considered.

#### TRADE BY BANJARAS IN TARAI AND BHABAR ESTATES.

\*40. **Mr. Ashiq Husain Mirza:** Is it a fact that Banjaras are forbidden to trade in the Tarai and Bhabar estates in general or in Khatima and Sitarganj tahsils of the Tarai and Bhabar estates in particular ?

\*41. Is it a fact that an order was issued to this effect by the Superintendent, Tarai and Bhabar estates, early in 1919, which has been rigidly enforced to this date ?

**The Hon'ble Mr. S. P. O'Donnell:** The honourable member is referred to the answer given to starred question No. 1 on the 5th March, 1925.

#### BOARD OF INDUSTRIES.

\*42. **Mr. Ashiq Husain Mirza:** Will the Government be pleased to give the following information :—

(a) total number of meetings of the Board of Industries held during the last 15 months ;

(b) names and designations of official or *ex officio* members of the board ;

(c) number of meetings of the board attended by each of these official or *ex officio* members during the last 15 months together with dates and place of meetings ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan:** (a) Eight.

(b) The honourable member is referred to page 225 of the Civil List.

(c) A statement is laid on the honourable member's table.

*Statement referred to in part (c) of the answer to starred question No. 42 asked by MR. ASHIQ HUSAIN MIRZA on the 16th March, 1925.*

Name of members.	Number of meetings attended.	Dates of meetings.	Place of meeting.
The Director of Industries ..	8	20th December, 1923 .. 27th March, 1924 .. 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 13th October, 1924 .. 22nd November, 1924 .. 12th January, 1925 ..	Cawnpore. Lucknow. Cawnpore. Cawnpore. Cawnpore. Cawnpore. Benares
The Chief Engineer, Irrigation branch, Public Works department, United Provinces.	Nil	..	..
The Director of Agriculture ..	2	{ 27th March, 1924 .. 17th April, 1924 ..	{ Lucknow. Cawnpore.
The Director of Public Instruction	1	27th March, 1924 ..	Lucknow.
The Conservator of Forests, Utilization circle.	1	12th January, 1925 ..	Benares.
The Registrar of Co-operative Societies.	2	{ 20th December, 1923 .. 27th March, 1924 ..	{ Cawnpore. Lucknow.
The Principal, Technological Institute.	2	{ 17th April, 1924 .. 22nd November, 1924 ..	{ Cawnpore.
Mr. J. R. Silver .. ..	6	27th March, 1924 .. 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 22nd November, 1924 .. 12th January, 1925 ..	Lucknow. Cawnpore. Cawnpore. Benares.
Mr. S. K. Chandra .. ..	7	27th March, 1924 .. 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 22nd November, 1924 .. 13th October, 1924 .. 12th January, 1925 ..	Lucknow. Cawnpore. Cawnpore. Benares.
Babu Sri Ram Khanna ..	5	20th December, 1923 .. 27th March, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 22nd November, 1924 ..	Cawnpore. Lucknow. Cawnpore.
Mr. J. P. Srivastava ..	5	{ 20th December, 1923 .. 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 22nd November, 1924 ..	{ Cawnpore.
Mr. A. L. Carnegie ..	3	{ 17th April, 1924 .. 28th August, 1924 .. 22nd November, 1924 ..	{ Cawnpore.



Name, of members.	Number of meetings attended	Dates of meetings.	Place of meeting.
Rai Bahadur Babu Vikramajit Singh Sahib.	2	{ 13th October, 1924 .. 22nd November, 1924 .. }	Cawnpore.
Pandit Baijnath Misra Sahib ..	5	{ 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 13th October, 1924 .. 22nd November, 1924 .. }	Cawnpore.
Mr. Ashiq Husain Mirza ..	7	{ 27th March, 1924 .. 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 13th October, 1924 .. 22nd November, 1924 .. 12th January, 1925 .. }	Lucknow. Cawnpore. Benares.
Rai Bahadur Babu Anand Sarup Sahib.	4	{ 27th March, 1924 .. 17th April, 1924 .. 28th August, 1924 .. 22nd November, 1924 .. }	Lucknow. Cawnpore.
Khan Bahadur Hafiz Muhammad Halim Sahib.	3	{ 17th April, 1924 .. 14th June, 1924 .. 13th October, 1924 .. }	Cawnpore.
Lala Madhusudan Dayal Sahib ..	6	{ 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 13th October, 1924 .. 22nd November, 1924 .. 12th January, 1925 .. }	Cawnpore. Benares.
The Deputy Director of Industries	7	{ 27th March, 1924 .. 17th April, 1924 .. 14th June, 1924 .. 28th August, 1924 .. 13th October, 1924 .. 22nd November, 1924 .. 12th January, 1925 .. }	Lucknow. Cawnpore. Benares.

**MOTOR-CARS AND BOATS AND ELEPHANTS OF FOREST DEPARTMENT.**

\*43. **Mr. Ashiq Husain Mirza :** Will the Government be pleased to state—

- how many motor boats, motor-cars, and elephants are owned by the Forest department;
- to which divisions are the motor boats and cars attached and where are they kept;
- who has the right of using these motor cars and boats? What do they cost for upkeep per annum?

**The Hon'ble Raja Sir Muhammad Ali Muhamman Khan :** (a) Motor boats—one.

Motor-cars—none.

Elephants—26.

(b) The motor boat is attached to the Afforestation division and is kept at Etawah. The motor boat is primarily intended for the use of the Divisional Forest Officers, Afforestation division, and of his superior officers. With his permission it may also be used by other officials requiring it for purposes of their tours?

The cost of upkeep of the motor boat is about Rs. 2,500 per annum.

**Mr. Ashiq Husain Mirza :** May I know if that motor boat is capable of going into the afforestation area?

No reply was given.

#### FOREST NEAR CAWNPORE.

\* 44. **Mr. Ashiq Husain Mirza :** Will the Government be pleased to state how much land was acquired for a forest near Cawnpore and what price was paid for it? When was this acquired? How many and what villages were depopulated for this purpose?

Was any part of this land re-sold? If so, what area or areas and for what price?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Approximately 252 acres. Of this area 128 acres were acquired in 1914 for Rs. 2,971; and 124 acres were acquired later in 1917, Mr. Allen meeting the cost, namely, Rs. 17,623. A small village Kheora Banjar was depopulated. No part of the land was resold.

\* 45. **Mr. Ashiq Husain Mirza :** Is it a fact that free right of access and free fishing and shooting rights have been given to one individual and his descendants in the forest near Cawnpore? If so, will the Government be pleased to state for what consideration these rights were given to one particular person and his descendants?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** It has been stated above that land valued at Rs. 17,623 was presented by Mr. Allen to Government. In addition, Mr. Allen built a bridge and a *bandh* across the ravine at a cost of about Rs. 7,000. The artificial lake so formed increased the value of the land for afforestation purposes and the amenities of the place. The *bandh* and bridge are also now the property of Government. In return Mr. Allen was given a small island (1.85 acres in extent) in the lake and further he and his descendants in return for the 124 acres presented to Government and their generosity in regard to the scheme generally have free right of access and fishing and shooting in the area.

**Mr. Mukandi Lal :** Is that motor boat referred to in question No. 43 used to cross that lake to reach that island?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The lake has no connection with this.

\* 46. **Mr. Ashiq Husain Mirza :** Is it a fact that right in the middle of this Government forest private houses have been built by one person? If so, what was the reason of this distinction? And why were they allowed to be built?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No. A summer house has been built on the island given to Mr. Allen.

**UNSTARRED QUESTIONS.**

**NUMBER OF VOTERS.**

**3. Babu Nemi Saran :** Will the Government be pleased to supply the following statistics :—

the number of Council voters of each constituency in the province with the population of such constituency ?

**Mr. J. R. W. Bennett :** A statement is laid on the table, showing the number of voters on the electoral rolls of each constituency. The population of each constituency is not known.

*Statement referred to in answer to part (a) of unstarred question No. 3 for the Council meeting of the 16th March, 1925.*

Name and nature of constituency.				Number of voters on the electoral roll.	
				Male.	Female.
Agra city	(Non-Muhammadan Urban)	..	..	8,508	119
Cawnpore city	ditto	..	..	18,000	718
Allahabad city	ditto	..	..	5,527	118
Lucknow city	ditto	..	..	10,051	309
Benares city	ditto	..	..	7,851	396
Bareilly city	ditto	..	..	5,208	225
Meerut-cum-Aligarh	ditto	..	..	8,602	195
Moradabad-cum-Shahjahanpur	(non-Muhammadan Urban)	..	..	5,317	125
Dehra Dun district	(Non-Muhammadan Rural)	..	..	5,486	33
Saharanpur district	ditto	..	..	24,612	832
Muzaffarnagar district	ditto	..	..	28,877	475
Meerut district (North)	ditto	..	..	24,509	577
Ditto	(South) ditto	..	..	20,211	584
Bulandshahr district	(East) ditto	..	..	24,672	649
Ditto	(West) ditto	..	..	20,209	884
Aligarh district	(East) ditto	..	..	23,537	355
Ditto	(West) ditto	..	..	21,903	426
Muttra district	ditto	..	..	24,995	572
Agra district	ditto	..	..	26,246	703
Mainpuri district	ditto	..	..	22,639	661
Etah district	ditto	..	..	27,295	613
Bareilly district	ditto	..	..	19,379	954

Name and nature of constituency.				Number of voters on the electoral roll.	
				Male.	Female.
Bijnor district (Non-Muhammadan Rural)	..	..		24,125	851
Budaun district	ditto	..	..	20,812	519
Moradabad district	ditto	..	..	31,973	544
Shahjahanpur district	ditto	..	..	13,465	494
Pilibhit district	ditto	..	..	10,845	392
Jhansi district	ditto	..	..	11,646	642
Jalaun district	ditto	..	..	15,570	915
Hamirpur district	ditto	..	..	11,363	699
Banda district	ditto	..	..	10,688	443
Farrukhabad district	ditto	..	..	20,559	516
Etawah district	ditto	..	..	25,914	748
Cawnpore district	ditto	..	..	26,596	1,055
Fatehpur district	ditto	..	..	15,546	961
Allahabad district	ditto	..	..	18,886	1,051
Benares district	ditto	..	..	9,514	296
Mirzapur district	ditto	..	..	9,263	480
Jaunpur district	ditto	..	..	19,259	59
Ghazipur district	ditto	..	..	11,382	299
Ballia district	ditto	..	..	13,444	346
Gorakhpur district (West)	ditto	..	..	10,608	370
Ditto (East)	ditto	..	..	11,387	329
Basti district	ditto	..	..	18,140	755
Azamgarh district	ditto	..	..	15,415	493
Naini Tal district	ditto	..	..	14,781	925
Almora district	ditto	..	..	1,09,545	3,454
Garhwal district	ditto	..	..	73,473	2,962
Lucknow district	ditto	..	..	15,605	685
Unao district	ditto	..	..	19,702	804
Rae Bareilly district	ditto	..	..	18,525	954
Sitapur district	ditto	..	..	49,409	1,682
Hardoi district	ditto	..	..	28,991	731

Name and nature of constituency.				Number of voters on the electoral roll	
				Male.	Female.
Kheri district (Non-Muhammadian Rural)	..	..		20,283	537
Fyzabad district ditto	..	..		18,407	693
Gonda district ditto	..	..		26,877	853
Bahraich district ditto	..	..		27,570	971
Sultanpur district ditto	..	..		16,665	751
Partabgarh district ditto	..	..		14,668	566
Bara Banki district ditto	..	..		35,074	876
Allahabad-cum-Benares (Muhammadian Urban)	..	..		4,686	189
Lucknow-cum-Cawnpore ditto	..	..		21,351	637
Agra and Meerut-cum-Aligarh ditto	..	..		9,254	243
Bareilly and Shahjahanpur-cum-Moradabad (Muhammadian Urban).				8,594	218
Dehra Dun district (Muhammadian Rural)	..	..		4,781	72
Saharanpur district ditto	..	..		8,549	251
Meerut district ditto	..	..		8,422	257
Muzaffarnagar district ditto	..	..		10,293	244
Bijnor district ditto	..	..		9,557	175
Bulandshahr district ditto	..	..		7,894	535
Aligarh, Muttra, and Agra districts (Muhammadian Rural)	..			7,238	113
Mainpuri, Etah, and Farrukhabad districts ditto	..			6,137	174
Etawah, Cawnpore, and Fatehpur districts ditto	..			4,471	353
Jhansi division (Muhammadian Rural)	..	..		4,165	166
Allahabad, Jaunpur, and Mirzapur districts (Muhammadian Rural).				7,440	495
Benares, Ghazipur, Ballia, and Azamgarh districts; (Muhammadian Rural).				4,508	323
Gorakhpur district (Muhammadian Rural)	..	..		2,043	77
Easti district ditto	..	..		5,205	135
Moradabad district (North) ditto	..	..		7,216	165
Ditto (South) ditto	..	..		7,585	186
Budaun district ditto	..	..		3,690	122
Shahjahanpur district ditto	..	..		1,786	55
Bareilly district ditto	..	..		4,474	140

Name and nature of constituency.		Number of voters on the electoral roll.	
		Male.	Female.
Kumaun division-cum-Pilibhit (Muhammadan Rural)	..	4,870	177
Gonda and Bahraich districts ditto	..	11,603	295
Kheri and Sitapur districts ditto	..	6,663	210
Hardoi, Lucknow, and Unao districts ditto	..	6,114	342
Fyzabad and Bara Banki districts (Muhammadan Rural)	..	6,585	227
Sultanpur, Partabgarh, and Rae Bareilly districts (Muhammadan Rural).		6,800	263
European (European)	.. .. .	3,921	487
Agra Landholders (North), (Landholders)	.. .. .	345	28
Ditto (South), do.	.. .. .	298	25
Talugdars (Landholders)	.. .. .	305	64
Upper India Chamber of Commerce (Commerce and Industry)		77	..
United Provinces Chamber of Commerce ditto	..	100	..
Allahabad University (University)	.. .. .	3,272	4

### THE BUDGET, 1925-26.

#### DISCUSSION OF DEMANDS FOR GRANTS.

##### Demand No. 1.

##### HEAD 24.—ADMINISTRATION OF JUSTICE.

**The Hon'ble Mr. S. P. O'Donnell :** I beg to report to the Council the recommendation of His Excellency the Governor that under the head "Administration of Justice" a sum of Rs. 55,88,000 be provided and I move that this sum be voted.

**The Hon'ble the President :** Motion No. 1 is in the name of Hafiz Hidayat Husain, who is absent. Motion No. 2. [That the demand of Rs. 16,800 in respect of the item regarding Registrar, High Court, be reduced by Re. 1.] is in the name of Dr. Shafa'at Ahmad Khan. Does this refer to a non-votable item ?

**Dr. Shafa'at Ahmad Khan :** No, it refers to the Registrar.

**The Hon'ble the President :** That is a non-votable item.

**Dr. Shafa'at Ahmad Khan :** At present it is.

**The Hon'ble the President :** There cannot be a motion on that.

**Pandit Nanak Chand :** I beg to move that the demand of Rs. 6,600 in respect of the item regarding Reporters at page 46 of the Detailed Estimates be reduced by Rs. 4,800.

If the honourable members will please turn to page 46 of the Detailed Estimates they will find under the head "Administration of Justice—High Court—24A a provision of Rs. 6,600 for two Reporters in the High Court. The Economy Committee recommended, in their report, in Chapter X, paragraph 7: "Doubts have been expressed as to the necessity for a Law Reporter in view of the series of Law Reports which are now being produced by private enterprise and which are constantly referred to by the courts. If an authorized edition is indispensable it should be brought out by the Registrar." The Government in their resolution No. B789, dated the 23rd February, 1924, on the report of the Economy Committee, referring to this question said:—"The whole question of Law Reports is under consideration." In their second resolution which was laid on the table quite recently they stated:—"As regards the post of Law Reporter Government have decided not to make any change in the present arrangement." Sir, I maintain that the recommendation of the Economy Committee in this respect should have been given effect to, and even if it is suggested on behalf of Government that since the publication of Law Reports has not been discontinued and that they want some agency to do this work, the Registrar as recommended by the Economy Committee or one of the two Reporters can very well carry on that work. My information is that at present it is only one of the two Reporters who is doing this work, and I think there will be no difficulty if one post is reduced.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** It is a matter purely in the hands of the High Court. The High Court is of opinion that they cannot rely on private enterprise. They think it is absolutely necessary to have these two Reporters. For this reason I am unable to accept the motion.

**The Hon'ble the President:** Does the honourable member wish his motion put?

**Pandit Nanak Chand:** Yes, Sir.

The motion was put and negatived.

**The Hon'ble the President:** There are three motions in the paper, 4 to 6. They refer to specific sums, but they do not state any item. Does Mr. Bedar's motion refer to any specific item?

**Babu Bhagwati Sahai Bedar:** My motion refers to the travelling allowance of witnesses and jurors.

**The Hon'ble the President:** Mr. Upadhya's motion?

**Pandit Yajna Narayan Upadhya:** My motion is a general one.

**The Hon'ble the President:** Mr. Bhargava's motion?

**Pandit Bhagwati Narayan Bhargava:** It is general.

**The Hon'ble the President:** Motion Nos. 5, 6, 7, 8, and 9 are all of a general nature.

**Babu Bhagwati Sahai Bedar:** I beg to move that the demand of Rs. 8,29,600 in respect of the item regarding High Court at page 46 of the Detailed Estimates be reduced by Rs. 1,00,000." I wish simply to bring...

**Lala Mathura Prasad Mehrotra:** On a point of order, Sir. In the last meeting you gave a ruling that Mr. Bedar should speak in Urdu. Is it open to him now to speak in English?

**The Hon'ble the President:** What I said regarding the option of speaking in English or Vernacular does not seem to have been correctly understood by Mr. Bedar. When he came to understand that no option is allowed and that he had to choose either English or the Vernacular, he chose English. I had no opportunity of referring to it since. Vernacular speeches are not reported and naturally members want to be reported and so prefer to speak in English.

**Babu Bhagwati Sahai Bedar :** The thing is honourable members wish to enjoy at my expense. In moving this motion I have simply to bring to the notice of the Government one thing and it is this. The jurors who are appointed are not so independent as persons who may be appointed by consultation. I wish that persons should be appointed jurors after due consultation with the independent persons of the town where the law-court is situated.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The High Court prepares the list and I do not think they will agree to this proposal.

**Pandit Nanak Chand :** What is the Hon'ble the Home Member's explanation ? It was not audible on this side of the House.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The High Court prepares the list of jurors and we cannot press them not to do that or to leave it to any other authority.

**Pandit Nanak Chand :** Is the Government unable even to communicate to the Hon'ble Judges of the High Court the wishes of this House for their consideration ?

**The Hon'ble Mr. S. P. O'Donnell :** Perhaps as I have been a Registrar of the High Court I may say something about this. My recollection is, though it is some years since I was Registrar, that the High Court prepares its own list according to the rules which were shown in the list of High Court Rules, and there is no reason whatever to suppose that the High Court has not discharged its duty to the best of its ability, that the High Court did not carry out its duty with due care and make a proper selection. I understand from the remarks of Mr. Bedar that he differs from that selection. The High Court has its own method of selecting its own jurors and we really cannot on the strength of Mr. Bedar's statement suggest any other method. I think any High Court would resent very much a suggestion of that kind.

Motion negatived.

**Pandit Yajna Narayan Upadhyia :** I beg to move that the demand of Rs. 8,29,600 in respect of the item regarding High Court at page 46 of the Detailed Estimates be reduced by Rs. 1,000. My reason for moving this cut is this: that in last year's debate it was very well brought to the notice of the House that the High Court appointed one Mr. Pedley as Registrar. It was brought to the notice of the House that Mr. Pedley was a junior member of the Indian Civil Service, whilst there were several members of the Provincial Service who were old and experienced, but their case was neglected. I submit, Sir, that a whole year has passed and the High Court has not paid any attention to the wishes of this House. Therefore, Sir, it is essentially necessary that we should move this cut.



The second point in this connection is the appointment of Judges in the High Court. Some four or five years ago two additional Judges were appointed in the High Court and we were given to understand that these two Judges will be members of the Bar. When a vacancy occurred in place of Mr. Justice Gokul Prasad, a member of the Provincial Service was appointed, while on the other side when a vacancy for a European Judge occurred Mr. Boys was appointed. I think that was improper, for it was the duty of the High Court to appoint a man of the Bar when Mr. Justice Gokul Prasad retired.

The third point in this connection is that I put several questions in connection with corrupt practices going on among judicial officers for the last three or four years, which is evident from the fact that some of the judicial officers were asked to resign when there was some suspicion about them. In several cases it has been noticed that when judicial officers are suspected of corrupt practices they are transferred from one place to another. I say when a thing like this is prevalent among judicial officers some suitable measures should be taken so that the evil may be eradicated. These superficial steps are harmful to the country.

The fourth point which I have to raise in this connection is the expensive nature of these judicial services. I say justice should be a bit cheaper; we are spending immense money on justice, so I submit this cut should be made.

**Pandit Yajna Narayan Upadhyaya :** I beg to move that the demand of Rs. 8,29,600 in respect of the item regarding High Court (Total) at page 46 of the Detailed Estimates be reduced by Rs. 100.

My point in moving this reduction is to bring to the notice of the House that the number of Indian Judges in the High Court is very small.

**Pandit Nanak Chand :** Is the honourable member in order in moving a second motion when one motion is already under discussion?

**The Hon'ble the President :** I have considered this point. It is in order to move more than one amendment. We do not usually do so in order to avoid confusion, but as these motions are not regarding any special items but are all a criticism of the administration of the department, I think it will probably be better to have the whole thing in one debate rather than break it up piecemeal. There is nothing wrong in having all the amendments before the Council rather than taking them up separately. It is a matter of convenience. I have been considering it for some time and I think, though I am not quite certain, that this course is the more convenient. I have tried both courses, but in the case of motions which are not really definite cuts in the demand but rather for the purpose of bringing specific matters to the notice of the Government, I am inclined to think that the better course is to have them altogether, rather than take them point by point. It is a matter of convenience, and we shall see how it works.

**Pandit Nanak Chand :** Apart from the question of speaking on the motion before the House, I request your ruling whether motions that stand in the name of other members will be taken up as amendments to the original motion or will be taken independently.

**The Hon'ble the President :** My proposal is to take them independently. I will put them separately if the motions are separate. It is the best way I can think of for getting at what the Council wants.

**Pandit Bhagwat Narayan Bhargava :** The number of Indian Judges in any other High Court is higher than in the High Court at Allahabad. I wish to know whether there are any rules according to which a proportion for Indian Judges is fixed in the High Court just as there is a proportion for the Indian Civil Service.

The next point that I wish to bring to the notice of the Government is that cases both civil and criminal are very much delayed in the High Court. It might be said that civil cases take longer time for decision. I beg to submit, Sir, that I have seen criminal cases which have been delayed very long. Even appeals by Government or appeals by the accused have been delayed for months together. Accused have been summoned twice, thrice, and even four times from hundreds of miles simply to give some sort of explanation to the Judges though their vakils and pleaders have been attending the courts on different dates. So I submit that it is very difficult for those litigants to appear in the High Court again and again. My point is that certain definite instructions to remove this grievance might be issued by the Government.

**Babu Sangam Lal :** I move that the demand of Rs. 3,62,800 at page 46 of the Detailed Estimates be reduced by Rs. 3.

My object in moving this amendment is to draw the attention both of this Council and the Government as to the number of Indian Judges in the Allahabad High Court. Out of nine Judges we have got only three Indian Judges.

**The Hon'ble Mr. S. P. O'Donnell :** There are four Indian Judges.

**Babu Sangam Lal :** Are they permanent ? I think it is only a temporary arrangement. Am I to understand that the four Judges will be appointed permanently, or is it only an experiment ? So far as the Punjab High Court and the Patna High Court are concerned, there are six Indian Judges out of nine. When the Allahabad High Court Act was passed, there might have been some justification for appointing barristers fresh from England. Now, Sir, sixty years have passed since then and, whatever might be said about the fitness of Indians in other departments, nobody I think in this House or outside it will contend that there are no Indian barristers competent to hold any judicial posts in this High Court. Only the other day, while we were discussing the Oudh Chief Court Bill, we proposed that three-fifths of the Judges should be Indians and, this House accepted the motion. When in this new Chief Court which is being established after seventy years of British Rule in this country, this Council has decided that at least three out of five Judges should be Indians, I see no reason why in the Allahabad High Court there should not be six Indian Judges out of nine. Of course I have got the Legal Remembrancer before me and I shall not say anything about the privileged position of the Indian Civil Service for the present. I should like them to remain as they are and they can hold their posts. But there is absolutely no reason why even in this year 1925 we should import English barristers from England. The Legal Remembrancer might say, are you afraid of competition ? Here I say we are not afraid of competition. If there is any test or examination, if there

is any fitness for appointment or any other qualification, the Indian barristers can hold their own against the English barristers. I think the House will agree with me when I say that Indian barrister Judges of the High Courts throughout the country have proved themselves, if not more competent, at least as competent as English barrister Judges. Therefore, Sir, I wish that for future the number of Indian Judges should ordinarily be six out of nine in the Allahabad High Court.

**Pandit Nanak Chand:** I would like to speak on the motion of Pandit Yajna Narayan Upadhyaya which is already before the House. I intend to refer to the question of the appointment of the Registrar of the High Court. That question has come up almost every year for the last three years before this House, it was stated by the Hon'ble Home Member on behalf of the Government that the post of Registrar is not a listed post, nor is it one which is reserved exclusively for the members of the I. C. S. He further stated that the post is reserved to the members of the I. C. S. by the executive orders of the Secretary of State. Sir, it would have been difficult for the High Court or for the Government to give effect to the recommendations or the wishes of the House for the appointment of an Indian Registrar so long as the occupant of that post continued to hold that office. But from the memorandum of the Financial Secretary, Mr. Blunt, it appears that the reduction of Rs. 19,000 includes a lower provision of Rs. 9,000 due to the posting of a lower-paid officer as Registrar. The provision that was made for the Registrar last year was Rs. 22,200 and it is Rs. 16,800 for the budget year. It is a lower salary and it indicates that during the current year the officer who held charge of this office ceased to be the Registrar of the High Court and another officer was appointed to this office. Now, I would like to know what were the reasons that when a new arrangement was going to be made no Indian was appointed to this post. As the House is aware, ever since the constitution of the High Court this post has always been occupied by a European officer. Even the post of Deputy Registrar has also been held by Europeans with the exception of an officiating vacancy for a short time which was held by Sir Pramada Charan Banerji about two decades back. The recommendation of the Economy Committee about this post was—"We are not satisfied that it is necessary to attach so high a rate of pay to the post of Registrar and would be inclined to suggest that the pay of this post should correspond to that of the selection grade of the Provincial Civil Service." Both on account of the reasons of economy and on account of the clearly expressed wishes of this House we legitimately expected that the High Court would give due consideration to the wishes of this House. I do not agree with the Hon'ble the Home Member's opinion when he says that we should not make this suggestion, as it would amount to interfering with the discretion of the High Court; the mere fact that the budget of the High Court is placed before this House, shows that we also have a right of expressing our views in regard to the administration of the High Court, which should not be lightly treated by the High Court.

**Nawab Muhammad Yusuf:** I beg to move that the demand of Rs. 3,62,800 in respect of the item regarding High Court at page 46 of the Detailed Estimates be reduced by Re. 1.

My object in moving this reduction is to invite the attention of the Hon'ble the Home Member to the state of things that exists in the High

[Nawab Muhammad Yusuf.]

Court in the matter of appeals. At present there is a very heavy accumulation of first and second appeals, which it is simply physically impossible for the existing number of Judges to dispose of. In the interest of the litigant public it is absolutely necessary that steps should be taken to avoid undue delay and to administer justice speedily. With this end in view it is of the highest importance that we should retain the existing nine Judges permanently and further have two additional Judges. Under the head "Administration of Justice" Government makes a revenue of over twenty lakhs, and it would be only in the fitness of things if it uses a part of it in the interest of the public by adding two more Judges to the High Court.

With these words I commend the motion to the acceptance of the Council.

**The Hon'ble Mr. S. P. O'Donnell:** As regards the appointment of Registrar, that is a matter which has been before the Council more than once.

It was explained on previous occasions that the selection of an officer for the post rests entirely with the Hon'ble the Chief Justice. The invariable practice has been that the Chief Justice nominates and that the Government appoints. The nomination of the Chief Justice has never been refused by the Government. The Registrar is the Secretary of the High Court, and I do not see how any Government can dictate to the Chief Justice in a matter of this kind. He must be allowed to select the officer for the post of Registrar whom he desires to have. As to the pay of the post, in the case of an I. C. S. officer, it is simply time-scale subject to a limit of Rs. 1,600.

I was somewhat surprised to hear of the complaints made against the High Court in the matter of corrupt practices amongst the subordinate courts—I am not sure whether that was the complaint, but I understood that it was—because it is surely a matter of common knowledge that the present Chief Justice has taken very active steps, and has done a great deal indeed to purge the judiciary of undesirable practices. There is no Chief Justice who has taken a more active part to put an end to any such practices than the present Chief Justice. Sir, as regards delay in the trial of cases, it must be remembered that the strength of the High Court has been increased. Now, there are two more Judges than they were before and the strength of the High Court which used to be seven is now nine. If experience shows that even nine will not suffice then we shall have to consider the question of applying for additional Judges. But the cost of each Judge is very considerable indeed and we want to have more experience of the rate at which appeals are being disposed of, before we can definitely come to the conclusion that the only remedy is to apply to the Government of India and to the Secretary of State for additional Judges. Lastly, there is the question of the personnel of the High Court. Appointments to the High Court are not made by the Local Government. Temporary appointments are made by the Government of India and permanent appointments are made by His Majesty the King. They do not therefore rest in our hands. As regards the appointment of Indians to the post, the Government of India Act contains no special provision restricting the appointments on a racial basis. The actual selection depends not upon us but upon either the

Government of India or His Majesty the King. But at the present moment there are four Indian judges in the High Court, and so far as the I. C. S. element is concerned the number of Indian judges is bound to increase as the Indianization of services progresses.

**The Hon'ble the President:** I may explain to the Council that these motions will now be put in the order in which they have been moved. One advantage of this is that even if the first motion is carried, honourable members who proposed the reduction of smaller sums have had their opportunity of pointing out the defects that they wished to point out. Otherwise if the motion for a larger sum is carried, no opportunity can be given to the others to speak.

The motions for reduction of the demand under sub-head 24A—High Court were either negatived or withdrawn.

**Hafiz Hidayat Husain :** I beg to move that the demand of Rs. 8,400 in respect of the item regarding Salaries, Personal Assistant to Legal Remembrancer at page 47 of the Detailed Estimates be reduced by Rs. 10.

My object in moving this motion is only to inquire as to what has been done with regard to the appointment of a Deputy Legal Remembrancer. This subject was debated on the 12th March, 1923 in this House, and Mr. Moss King in reply to a similar motion stated that "it has been suggested that the honourable members will have no objection to allowing a man of seniority and high pay to be appointed if the designation were changed from that of 'Personal Assistant' to 'Deputy Legal Remembrancer.' As regards that, I am authorized to say that Government are prepared to consider the proposal favourably. *Prima facie* there seems to be no possible objection to changing the designation of the official from "Personal Assistant" to "Deputy Legal Remembrancer" and Government are quite prepared to consider it." In spite of this assurance in 1923 the designation of "Personal Assistant" still continues. I want to find out what is the obstacle in the way of the Government in altering the designation and status from "Personal Assistant" to "Deputy Legal Remembrancer." Is it because any enhanced emoluments are necessary to provide or is it because Government fears any overlapping of his duties with those of the Legal Remembrancer?

**Mr. C. M. King:** I as Legal Remembrancer should certainly have no personal objection whatever to having the post of Personal Assistant converted into that of Deputy Legal Remembrancer. That would imply greater independence and would no doubt relieve the Legal Remembrancer of a good deal of his work, but Government were not prepared to accept that arrangement. If the post were made semi-independent, it would mean that in a large number of cases Government would have to accept the advice of the Deputy Legal Remembrancer direct. As I have already said, the Legal Remembrancer could have no objection to that, but apparently Government did object and they were not prepared to accept the proposal. That is all I can say on the subject.

**The Hon'ble Mr. S. P. O'Donnell:** I think I can throw a little light on this matter. A difficulty arose that we did not foresee when the suggestion was first made, namely, that if the officer in question were made Deputy Legal Remembrancer, his position would be practically that of a Deputy Secretary to Government. As regards a Deputy

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Secretary to Government, the practice is that a great deal of his work goes to the member or Minister concerned direct, not through the Secretary. In certain cases it goes through the Secretary, but the greater part of it goes direct. To all intents and purposes so far as that work is concerned he is really a Secretary. Similarly, if that officer became Deputy Legal Remembrancer, then a great many cases would go direct from him to the Government and the result would be that we shall have to be guided by his advice in most of the cases. That seems to us undesirable. Whenever a point of law arises Government has to base its decision on the legal advice, and it is most important that the advice should be right, and the best way to secure that is of course to see that every case goes to the senior legal adviser of the Government and from him to Government. That is the only way in which Government can so far as practicable ensure that it takes action always on the advice that can be relied on. That was the difficulty which we did not foresee when the question was first raised. It appeared simply a question of change of nomenclature ; but when we looked into the matter again, it meant alteration of practice, and that was why we decided that it was better to stick to the present title of Personal Assistant.

**Rai Bahadur Babu Vikramajit Singh :** I regret I cannot find myself in agreement with the views expressed by the Hon'ble the Finance Member. I think a man who is brought from the office of a subordinate judge in the Provincial Service should not merely act as a Personal Assistant, which is nothing more than a *bara babu* to the Legal Remembrancer, who has to write notes and the Legal Remembrancer has either to approve or disapprove of them. As the Legal Remembrancer himself thinks that a Deputy Legal Remembrancer will be welcome and more helpful, I think the Personal Assistant should be appointed as Deputy Legal Remembrancer and the Government should have no hesitation in acting on the advice of the Deputy Legal Remembrancer, inasmuch as he will be a competent man. It is in the power of the Government to appoint a man whom they consider to be efficient and competent, and I do not think that anybody who knows the work of the present Personal Assistant to the Legal Remembrancer will say that he is not competent to discharge the duties of a Deputy Legal Remembrancer. I therefore think that, while on the one hand the Legal Remembrancer will be relieved of a good deal of work which the Deputy Legal Remembrancer can do, on the other hand there will be no overlapping, that is, the same work will not be done by two competent officers. Therefore the hesitation of the Government in changing the designation of the post and keeping the officer merely as a Personal Assistant is not to be clearly understood. The opinion expressed last year that he should be designated Deputy Legal Remembrancer ought to be given effect to and the designation of the post should be changed. There is no harm in giving him more power as Deputy Legal Remembrancer rather than to keep him merely as Personal Assistant to the Legal Remembrancer.

**Mr. Muhammad Aslam Saifi :** I only want to address one question to the Hon'ble the Finance Member. In case he is prepared to accept the change of nomenclature from Personal Assistant to Deputy Legal Remembrancer, is it not possible for the Government to make such a choice

that they could depend upon the opinion expressed by that officer when his case goes direct to the Government?

**The Hon'ble Mr. S. P. O'Donnell :** I have . . .

**Pandit Nanak Chand :** I rise to a point of order, Sir. The Hon'ble the Finance Member is not in charge of this department. Can he give an answer on behalf of the Government for a second time? As a member of the House he has already spoken once on this amendment.

**The Hon'ble the President :** Actually of course he is not entitled to speak a second time at all. It is merely for the convenience of the House which I took into consideration that I called on him to speak in answer to a question put directly to him by Mr. Saifi, otherwise there would be ground for complaint. Also in this matter of the discussion on the estimates a little more latitude is ordinarily given. We undoubtedly want to get at facts. As every one probably knows, in the House of Commons in committee members are not restricted to speaking once; they are permitted to speak more than once in answer to questions and to make matters clear. We follow that practice occasionally when need arises. This is such an occasion. The need is obvious, as the Hon'ble the Finance Member has been asked a question. As to his speaking at all on this matter, that is another point. He cannot be precluded from speaking like any other member of the Legislative Council.

**Pandit Nanak Chand :** I just want to clear up one thing more in this connection. I know Mr. Saifi addressed directly a question to the Hon'ble the Finance Member. Will the Hon'ble the Finance Member when he speaks on this amendment a second time be required to answer that specific question or will he be in order in replying to the discussion, for example, to the remarks and criticisms offered by my friend on my right?

**The Hon'ble the President :** There is no reply, strictly speaking, because the mover of an amendment has not the right to reply. It is only when the mover is allowed to reply that the member in charge of the department has also a right to reply. It is a matter of convenience. I do not consult my own pleasure, nor do I consult the pleasure of the speaker. Generally I try to interpret the wishes of the House as far as I can interpret them. I should not allow the Finance Member to be heard if I did not see interest awakened on this subject in the House. It is a very intangible thing—the wish of the House—but I do my best to interpret it.

**The Hon'ble Mr. S. P. O'Donnell :** When the Legal Remembrancer said that he had personally no objection, he did not mean, I am authorized by him to say, that he could advise Government as a general rule to accept the advice of the junior officer which would not pass through his hands and be confirmed by him. What he meant was that from a purely personal point of view there would be less work and less responsibility. That is of course quite a different matter.

As regards Mr. Saifi's question, no doubt sometimes the Personal Assistant might be an officer whose advice could be accepted, but we have to make our arrangements in such a way as to be generally suitable, and we have come to the conclusion that it is unsafe as a general rule of

[The Hon'ble Mr. S. P. O'Donnell.]

Government to act upon the advice of the junior officer. We require the best advice that we can get ; we think it unsafe to make any departure from that general rule. It might be that the Personal Assistant is an officer of much ability and that his advice might be invariably correct, but we cannot make that assumption ; we have to frame our practice in such a way as to ensure that the risk of mistakes is reduced to the minimum, and that we do by insisting always that every case comes through the Legal Remembrancer. It may be that the Legal Remembrancer finds that a note by the Personal Assistant is quite satisfactory and that he merely confirms it ; but as a safeguard we require that the advice, if it is to be acted on, should always be that of the senior officer. After all the responsibility is ours in this matter. It really is a matter which ought to be left to us to settle, because it is we who have to take the responsibility of acting or not acting on his advice ; it is we who have to bear the brunt if we take a wrong decision.

**Khan Bahadur Maulvi Fasih-ud-din :** I just want to say a word in connection with the debate. It is rather a surprise to me that when a subordinate judge is considered fit enough to dispose of civil suits to the extent of lakhs and lakhs of rupees, and to decide big taluqa cases, he is not considered fit enough to give his opinion about the draft of a certain document or about a certain civil suit to which the Government is a party. If there is any fear on the part of the Government that he might mismanage the affair, then there can be one device, and it is this that a certain limit be fixed for the cases and for the matters which he can dispose of. Matters of more complicated and more important nature can be left to the Legal Remembrancer. If this arrangement is made, I think there can be no earthly objection to the promotion of the Personal Assistant to the post of Deputy Legal Remembrancer.

**Pandit Nanak Chand :** I just wanted to inquire from the Government whether there was any legal or constitutional objection to his proposal.

**Mr. C. M. King :** I do not think there is any legal objection, and, as the honourable member who asks the question is himself a lawyer, I hope he knows the answer as well as I do. No one ever suggested that there was a legal objection. If it is simply a question of a change of the title of the Personal Assistant to Deputy Legal Remembrancer I do not see much point in it. It would simply be a change of name while the duties would remain the same. I think some honourable members do not quite understand what the duties are which the Legal Remembrancer and the Personal Assistant between them have to perform. The work in a Legal Remembrancer's office is of an extraordinarily varied nature. One part of it, no doubt, consists of all civil litigation cases in which the Secretary of State is a party either as plaintiff or as defendant. One has to advise on the institution or defence of the suit and supervise the conduct of the case from start to finish. Then a very large portion of it consists of Court of Wards cases. Not only the questions arising out of Court of Wards litigation, but all the innumerable legal questions that crop up in the administration of large estates—all these questions come to the Legal



Remembrancer's office. One has to deal with the military departments, with Cantonment authorities with the Postmaster-General, with State Railways, and from every department of the Secretariat one gets all kinds of conundrums on every conceivable subject. Also one has to advise regarding appeals from acquittals and regarding prosecutions which require the sanction of Government. Also there is the administrative work of the department. I only wish to point out that the work is very varied, and if a man has worked only as a munsif or subordinate judge, he may still find that he is rather at a loss when he comes to this sort of work, because he has to deal with all kinds of questions which he has never dealt with before. Although he is of great use and assistance to the Legal Remembrancer, especially on matters of civil litigation, he would feel, I think, rather diffident sometimes in advising on subjects of a totally different nature, especially in criminal cases, as for instance appeals against acquittals. An ordinary munsif has not had any magisterial experience or judicial experience on the criminal side, like an I. C. S. man, who, although he may be comparatively ignorant of civil law, has, or ought to have, a very sound knowledge of the criminal law. He has been a magistrate for years and years. Also he has had experience of revenue cases and the general administration of a district. But a munsif or subordinate judge has only had experience of civil litigation. For that reason I think it might be rather difficult for a Provincial Service officer of the judicial department to take over any considerable part of the work which is done and to submit his advice direct to Government or to the Court of Wards. I think the present arrangement is more suitable. The Personal Assistant notes and gives his opinion, and this is very useful indeed to the Legal Remembrancer and he conducts a great deal of the official correspondence and he looks after the office establishment. Government consider that when they require legal advice everything should preferably go through the Legal Remembrancer, who should bear the responsibility, and for that reason I see no point in merely changing the title of the Personal Assistant. Government are clearly entitled to choose their own legal advisers.

**Rai Bahadur Thakur Hanuman Singh:** I rise to say that as an Indian Civil Service Legal Remembrancer has learned a good many things which the Hon'ble the Legal Remembrancer has just pointed out to the House, so the Provincial Service man can also learn them. When an Indian Civil Service Legal Remembrancer is appointed he does not come knowing everything. It is the responsibility and the work which teaches a man and makes him efficient. In this place I may refer the honourable members of this House to the note of Sir Reginald Craddock, in which that high official had been pleased to say that from his own experience and from the evidence before him he could say that the Provincial Civil Service men were as competent as the Indian Civil Service men. So to think that a Provincial Service man cannot discharge his duty as Deputy Legal Remembrancer with the same efficiency as an Indian Civil Service man does not seem to me to be very correct. These Provincial Civil Service men are appointed to district judgeships; before that they never have to do any criminal work and all of a sudden they are given power of passing capital sentences. So in this case, too, Provincial Civil Service men will not find it difficult to give advice to the Government in criminal cases as well.

The question was put and the Council divided as below :—

*Ayes (48).*

Mr. H. David.  
 Babu Sangam Lal.  
 Babu Mohan Lal Saksena.  
 Babu Damodar Das.  
 Babu Jai Narayan Chaudhri.  
 Babu Bhagwati Sahai Badar.  
 Thakur Manjit Singh Rathor.  
 Rai Jagdish Prasad Sahib.  
 Chaudhri Sheoraj Singh.  
 Pandit Nanak Chand.  
 Thakur Shib Narayan Singh.  
 Rai Bahadur Babu Ram Nath Bhargava.  
 Babu Nemi Saran.  
 Chaudhri Badan Singh.  
 Thakur Sadho Singh.  
 Pandit Brijnandan Prasad Misra.  
 Pandit Bhagwat Narayan Bhargava.  
 Pandit Jhanni Lal Pande.  
 Pandit Sri Krishna Dutt Paliwal.  
 Babu Parsidh Narayan Anad.  
 Pandit Yajna Narayan Upadhyaya.  
 Babu Dip Narayan Roy.  
 Rai Bahadur Thakur Hanuman Singh.  
 Pandit Baijnath Misra.

Pandit Govind Ballabh Pant.  
 Pandit Hargovind Pant.  
 Mr. Mukandi Lal.  
 Babu Ram Chandra Sinha.  
 Kunwar Rajendra Singh.  
 Mr. Zahur Ahmad.  
 Dr. Muhammad Naim Ansari.  
 Mr. Muhammad Aslam Saifi.  
 Maulvi Zahur-ud-din.  
 Lieut. Nawab Jamshed Ali Khan.  
 Maulvi Obud-ur-Rahman Khan.  
 Hafiz Hidayat Husain.  
 Khan Bahadur Shaikh Masud-uz-Zaman.  
 Maulvi Abdul Hakim.  
 Dr. Shafa'at Ahmad Khan.  
 Saiyid Muhammad Ashiq Husain.  
 Khan Bahadur Maulvi Fasih-ud-din.  
 Mr. Ashiq Husain Mirza.  
 Khan Bahadur Munshi Siddiq Ahmad.  
 Raja Saiyid Ahmad Ali Khan Alvi.  
 Lala Mathura Prasad Mehrotra.  
 Raja Jagannath Bakhsh Singh.  
 Rai Bahadur Babu Vikramajit Singh.  
 Dr. Ganesh Prasad.

*Noes (21).*

The Hon'ble Mr. S. P. O'Donnell.  
 The Hon'ble Raja Sir Muhammad Ali  
 Muhammad Khan, Khan Bahadur.  
 The Hon'ble Lieut. Nawab Muhammad  
 Ahmad Sa'id Khan.  
 The Hon'ble Rai Rajeshwar Bahi.  
 M. G. B. Lambert.  
 Mr. E. A. H. Blunt.  
 Kunwar Jagdish Prasad.  
 Mr. G. B. F. Muir.  
 Mr. A. C. Verrières.  
 Mr. C. E. D. Peters.

Mr. J. R. W. Bennett.  
 Mr. S. H. Fremantle.  
 Mr. R. Burn.  
 Mr. B. J. K. Hallowes.  
 Mr. C. M. King.  
 Mr. F. F. R. Channer.  
 Mr. A. D. Ashdown.  
 Colonel A. W. R. Cochrane.  
 Mr. A. H. Mackenzie.  
 Mr. G. Clarke.  
 Raja Muhammad E'jaz Rasul Khan.

The motion was therefore agreed to.

**Mr. Mukandi Lal :** I beg to move that the demand of Rs. 5,800 in respect of the item regarding travelling allowance of Law officers at page 47 of the Detailed Estimates be reduced by Rs. 800.

This is not an unreal or token demand but it is a real cut, and I hope that this cut will be followed by other and more serious cuts. This looks a very small figure, but I have arrived at the conclusion of reducing this small figure for these reasons. That is to say, that travelling allowance has now been reduced from double to  $1\frac{2}{3}$  and last year the travelling allowance was Rs. 5,280. This year it has been raised to Rs. 5,800. Therefore I have taken away the excess amount. It exceeds by Rs. 520, and I hope that the honourable members will see that in view of the fact that the travelling allowance has been reduced and in view of the fact that the Legal Remembrancer has not particularly to go about in the country touring about for administrative work, that there is no need for this Rs. 800 extra. Though the reduction asked for is small, it is none the less justified.

**Mr. E. A. H. Blunt :** In the first place most of this travelling allowance has nothing to do with the Legal Remembrancer. Rupees 4,500 is for Government Pleaders. It is the same figure as last year. There is an increase in the travelling allowance of the Legal Remem-

brancer and his establishment which is entirely due to the fact that the Secretariat and the Legal Remembrancer have now to go to Allahabad for a couple of months, which involves extra travelling expenses. As to the mathematical calculation made by my friend Mr. Mukandi Lal, the error in that calculation is that he has taken for granted that last year's figure for travelling allowance was calculated at the old rate of two fares. But as a matter of fact, the figure of last year had already been calculated on the basis of one and three-fifths fares. If he now tries to reduce the figure again on that basis he will be reducing by another two-fifths of a fare. The money is required because, according to the present policy of Government, the Legal Remembrancer as well the Secretariat go to Allahabad, and this cannot be disturbed.

**Mr. C. M. King :** I should like to add a few facts. In the current year's budget there is a provision for Rs. 5,580, but that, as a matter of fact, has been found insufficient; and we have had to transfer Rs. 900 from another head to meet the deficiency. I think I need not say much. As Mr. Blunt has already pointed out, by far the largest amount is required for the travelling allowance of Government Pleaders on circuit and on deputation to Allahabad and Lucknow, and so forth. The actual amount spent on travelling allowance for Government Pleaders in 1923-24 was Rs. 5,019. So the estimate in the budget for Rs. 4,500 is very low indeed, probably too low, and I submit that nothing can be cut down from the estimate.

**Mr. Mukandi Lal :** I do not press the motion.

Motion by leave withdrawn.

**Rai Bahadur Thakur Hanuman Singh :** I beg to move that the demand of Rs 3,558 in respect of the item regarding house rent and other allowances at page 47 of the Detailed Estimates be reduced by Rs. 1,800.

In 1924-25 the provision under this head was Rs. 1,758. This year it has been increased to Rs. 3,558. I do not know to whom this house rent and other allowances are given. If the number of recipients of such house rent and other allowances is increasing every year, then the increase this year may be justified. At the same time, I venture to say that such allowances should not be granted with great liberality. These allowances should be limited to very urgent cases where Government servants are badly affected. Therefore I move that the figure should be kept at the previous year's figure.

**Mr. C. M. King :** I agree with the honourable member that this item does require some explanation. But the explanation is very simple. This item of Rs. 3,558 consists of two items—firstly, Rs. 3,000 which is for the monthly allowances of district Government Pleaders of Cawnpore, Lucknow and Allahabad. Those three Government Pleaders get fixed monthly allowances for out of court work, for giving opinions, and so forth. That Rs. 3,000 has been transferred from the head of "Salaries." If the honourable member will look at the head of Salaries of Government Pleaders he will find that there is a reduction of exactly Rs. 3,000 in the estimate for 1925-26, the third item on page 47. He will find that in the budget estimate for 1924-25 the figure is Rs. 15,000, whereas in the budget estimate for next year it is only Rs. 12,000. There is thus a reduction of Rs. 3,000. Rupees 3,000 is merely being transferred from the head

[Mr. C. M. King.]

“Salaries” to the head “House-rent and other allowances.” The other part of this item, i.e., Rs. 558, is for local and hill allowances for the establishment. That figure was the same in the last budget. But I should explain that Rs. 1,200 has been cut out from this head in the current budget and put under the head of Personal Assistant’s salary for next year’s budget. It is simply a difference in classification. In the current budget the figure is Rs. 1,758. That consists of Rs. 1,300 which was the Personal Assistant’s special pay. That is now included in Rs. 8,400, Personal Assistant’s salary. In place of that Rs. 1,200 we have substituted the Rs. 3,000 which is transferred from the head of salaries, as I have explained.

The item of Rs. 558 is the same in both years. So the increase is merely apparent. It is due to a transfer from another head.

**Rai Bahadur Thakur Hanuman Singh:** I withdraw my motion.

Motion by leave withdrawn.

**The Hon’ble the President:** I think motions nos. 17 to 24 refer to the same subject. What does motions No. 23 refer to?

**Babu Mohan Lal Saksena:** It refers to allowances to pleaders.

**The Hon’ble the President:** Mr. Mehrotra’s motion of Rs. 15,000, what does it refer to?

**Lala Mathura Prasad Mehrotra:** Special legal counsel.

**The Hon’ble the President:** All these motions (Nos. 17 to 24) refer to the same subject.

**Pandit Nanak Chand:** May I point out that all these motions are not against the same item. The first five are against the item for Rs. 2,90,000 under the head Fees to pleaders and barristers in criminal cases, and others fall under the total lower down.

**The Hon’ble the President:** With regard to motions Nos. 23, 24 and 25, I asked honourable members, and all of them, with the exception of Mr. Bedar, who is not here, told me that they referred to the same item as that of which Hafiz Hidayat Husain has given notice. That is what I understand from Mr. Saksena, that is what I understand from Mr. Mehrotra. Apparently all these motions refer to the same subject, viz., Fees to pleaders and barristers.

**Pandit Nanak Chand:** Then what about item 22?

**The Hon’ble the President:** I think it refers to the same subject. It is only a mistake in the wording of the motion. The word “Government” should be omitted.

**Hafiz Hidayat Husain:** I beg to move that the demand of Rs. 2,90,000 in respect of the item regarding fees to barristers and pleaders in criminal cases at page 47 of the Detailed Estimates be reduced by Rs. 60,000.

Last year the budget figure was Rs. 2,82,000. Then there was a reduction of Rs. 15,000, so that it came to Rs. 2,67,000. Now, this year it has been raised to Rs. 2,90,000. I understand that this item consists of three heads. The first is fees to proper Government Pleaders, the second is fees to special lawyers engaged by the Government in criminal cases for the prosecution, and the third is fees to lawyers engaged by the Government on behalf of indigent accused. My point is that we are

paying Rs. 30 a day to these proper Government Pleaders and lawyers engaged by the Government for the third class of cases stated above. I think this can conveniently be reduced from Rs. 30 to Rs. 20 or Rs. 25 per day. The argument advanced by Mr. Moss King against this in 19 was that because the old scale of fee had been fixed as long back as 1886, therefore the enhancement was called for. As against this my submission is that pleaders' fees were fixed at the rate of Rs. 5 per Rs. 100 from earlier probably than 1881 and there has been no enhancement from that time in their fee. The highest fee that a civil lawyer is entitled to is Rs. 3,000. This case might take him three or four years and he will only get Rs. 3,000, while the Government Pleader can reach to this figure in four or five months. Therefore, I submit this Rs. 30 ought to be reduced either to Rs. 25 or Rs. 20.

With regard to the second point, namely, fees paid to special lawyers, my point is that lawyers are drafted in criminal cases from outside, sometimes for absolutely no reason. Local lawyers should be employed; they are cheaper than lawyers from outside and thus we will be able to save a good bit of money that goes unnecessarily to lawyers drafted in from outside.

The third point is with regard to fees to lawyers engaged by Government for indigent accused. My submission is that far too much laxity is observed in appointing lawyers in such cases. I know of cases in which the Government engaged lawyers, while the pairokars or relatives of the so-called indigent accused brought lawyers, sometimes very senior ones, from outside, with the result that the trial took its course—weary and long—and the lawyers engaged by the Government had to sit and do nothing for days together, costing the Government a good bit. I think that close inquiries ought to be made as to the surroundings and relationship of the person for whom Government is going to engage and pay a lawyer, and in such a case there may be a substantial reduction of this item as a result. Therefore I move that this demand be reduced by Rs. 90,000.

**Pandit Nanak Chand :** I beg to move that the demand of Rs. 2,90,000 in respect of the item regarding fees to pleaders and barristers at page 47 of the Detailed Estimates be reduced by Rs. 22,000.

The reduction that I have proposed will be clear to the members if they will please turn to the figures at page 47 where the budget estimate for the year 1924-25 was Rs. 2,68,650. This year the Government propose for 1925-26 the figure of Rs. 2,90,000. There is an increase of a little over Rs. 21,000. I propose that this difference should be eliminated. The detailed revised figures are not available, but the total allowances and honoraria are shown as Rs. 2,80,000 as against Rs. 2,95,878 budgeted last year, that is, there was over-budgeting when compared with the revised figures to the extent of a little over Rs. 15,000. The total budget estimate comes to Rs. 3,19,548. I think there will be no difficulty for the Government if they accept this modest reduction.

**The Hon'ble the President :** If the honourable member Rai Bahadur Thakur Hanuman Singh wishes to speak, he had better support the motion already moved, which is practically the same as his own.

**Rai Bahadur Thakur Hanuman Singh :** Without moving the motion in my name I rise to support Pandit Nanak Chand's motion,

[Rai Bahadur Thakur Hanuman Singh.]

because the reduction which he has moved is nearly the same as of my motion. Last year when the question of the pleaders' fee was under discussion in this Council during the budget session, I said that Government can get legal practitioners cheaper and efficient at the same time to conduct the cases on behalf of the Government, and since then I have been making inquiry, and the result of that inquiry has been that I have not changed my opinion. The more the rise in the fee, the greater the demand. If the Government raises its fees which it pays to the pleaders, then they will demand much more. But if the fees be reduced I think very capable legal practitioners will be forthcoming to take up the work. Then at the same time, Sir, the last year's figure has been increased by Rs. 21,350. There appears to be no reason for such an increase. Does the Government contemplate that there will be during the coming year a very large increase in the litigation in which the Government will be either the plaintiff or the defendant, or there will be a number of criminal cases in which the Government shall have to spend very large amounts for prosecution. No such reasons are found in the memorandum which has been given to us. I think the amount which was provided for the current year will suffice for expenditure under this head during the coming year also.

**Babu Mohan Lal Saksena :** I support the motion of my honourable friend Pandit Nanak Chand, but I have to add one word to what he has said. I would refer the honourable members to page 35 of the memorandum on budget estimates. In paragraph 2 it is said : " This sub-head shows an increase of 21, all of which occurs in the provision for fees to counsel. On the basis of actuals the provision for Government Pleaders has been raised by 6, and an addition of 15, over the allotment for 1924-25 made in the provision for special counsel. The low grant in 1924-25 on this account has been found to be inadequate. There is also a small reduction under salaries, but this is due to the transfer of a corresponding sum to allowances." I would only ask the Financial Secretary, who I find is not here, to explain to me how he has arrived at the figure of Rs. 21,000. I have calculated that the actual is not Rs. 21,000 but it is Rs. 39,548. In this connection if the honourable members will look at page 47 of the Detailed Estimates they will find that, under allowances and honoraria, the revised estimate for 1924-25 was Rs. 2,80,000, while the amount for 1925-26 is Rs. 3,19,548. Of course the actual figures for fees of pleaders of various criminal cases are not given there, but I presume that it must have been decidedly lower than what was provided in the original estimates for 1924-25. Therefore I fail to understand what the Financial Secretary means by saying that " on the basis of actuals the provision for Government Pleaders has been raised by Rs. 6,000, and again he says an addition of Rs. 15,000 over the allotment for 1924-25 has been made in the provision for special counsel. The lower grant in 1924-25 on this account has been found to be inadequate." I have already shown that there was rather a higher provision than was needed. Then, again, I would ask the Hon'ble the Home Member to explain for what reasons an extra sum of Rs. 15,000 has been provided under this head. Does he contemplate instituting a number of criminal cases political or otherwise, or does he contemplate instituting proceedings just like the Imperial Bank fraud case, or whether there are any criminal proceedings

pending at present that require this higher provision in the budget ? With these words I support the motion of Pandit Nanak Chand.

**Lala Mathura Prasad Mehrotra :** I beg to move that the demand of Rs. 4,25,000 in respect of the item regarding law officers at page 47 of the Detailed Estimates be reduced by Rs. 15,000.

**The Hon'ble the President :** The item under discussion is Rs. 3,19,000.

**Lala Mathura Prasad Mehrotra :** Yes, Sir.

The reason of moving this reduction is this that, as has already been said by my friend Pandit Nanak Chand, there is an increase of Rs. 21,000 from the budget estimates of last year : but Rs. 6,000 were required to pay when there was a deficit in that amount, as has been shown in the memorandum on budget estimates, page 35. So this item of Rs. 15,000 is over and above the actuals of the last year. We all know, Sir, that special counsel are engaged in some cases where they are necessary ; in some cases they are engaged only for the sake of patronizing some of the lawyers whom the District Magistrate wants to patronize. So we should not provide any more sum under this head. Besides this, there were two special cases last year—the Imperial Bank fraud case and the Saharanpur riot cases—which required special counsel, but I do not think such cases are expected to occur this year also. If however they do occur, the actuals of 1924-25 will be more than sufficient.

**Mr. Mukandi Lal :** One zero is missing in the figure proposed by me for reduction in my amendment. Now that the motion of Pandit Nanak Chand seems to be for a smaller figure and will, I believe, be more acceptable to the House, I support his motion. I would like to point out that in the coming year there will be no necessity of engaging special counsel in riot cases, etc. We should try to reduce these expenses, but I do not agree with my learned friend Hafiz Hidayat Hussin when he wants to curtail Government Pleaders' fees. Prices have risen in every sphere of life and I do not see any reason why the lawyers should suffer. It might be difficult for the Government to get competent lawyers if the fee is reduced from Rs. 30 to Rs. 20. I do not ever hope to get the post of Government Pleader, and so I am not saying this on personal grounds. As a matter of fact in private practice I get more.

**Mr. C. M. King :** There has always been a great attack on this item in the budget, but I think I can fully justify the figure in the budget for next year. The figure is certainly higher than the budget estimate for the current year. But I must remind the honourable member that there has been a supplementary estimate passed very lately for Rs. 48,000. So that the actual budget provision under this head for the current year, including this supplementary estimate, is Rs. 3,16,650. Therefore as a matter of fact the estimate for the next year is considerably less than the budget provision for the current year.

This figure of Rs. 2,90,000 is divided up as follows :—For Government pleaders Rs. 2,42,000. It was based on the revised estimate for the current year, but I can now tell the honourable members the expenditure during the current year with greater accuracy. The expenditure on Government Pleaders for eleven months in the current year has been Rs. 2,57,870. Including Rs. 23,000, which will approximately be

[Mr. C. M. King.]

required for the remaining month, the expenditure on Government pleaders will be about Rs. 2,80,000. So I think it will be admitted that the estimate of Rs. 2,42,000 for next year is a moderate estimate.

Then the next head is for counsel who have to defend indigent prisoners. Under this head we have budgeted for Rs. 25,000, and this also is a very low figure. The actuals for 1923-24 were Rs. 28,000 and the expenditure for the current year will be approximately Rs. 30,000. So Rs. 25,000 is again a very low figure; in fact it is lower than the actuals of the last two years. We now come to the figure for special counsel. Rupees 23,000 is provided for this purpose. It is certainly higher than the actuals for the current year. In this connection I should like to point out that during the current year the expenses on special counsel have been very low indeed. In fact I believe it has not been so low for the last twenty years. The expenditure has only been Rs. 11,697, which is certainly phenomenally low, and it is unlikely that it should be so low again. If we are to be guided by previous experience, it will be of interest to note that the average for the last three years works out at Rs. 77,000, so that the figure of Rs. 23,000 is by no means an excessive figure, especially when a substantial reduction has been made under the other two heads. It is probable that the amount estimated under the other two heads may eventually be exceeded, and consequently a slight margin should be allowed under the head of special counsel.

The honourable member has drawn attention to the high fees paid for defending indigent prisoners. That is a subject which certainly requires investigation if the facts are as stated, namely, that the Magistrates and Judges sometimes appoint counsel for persons who are perfectly capable of paying for themselves. In any case, it is not a matter with which the Legal Remembrancer himself can deal. I have no option but to pay the bills which come to me from the Magistrates and Judges, but if the Government think fit, they may institute an inquiry into the matter and instruct Magistrates and Judges, if necessary, to exercise greater care in the appointment of counsel for defending indigent persons. Should such a course be taken by the Government, it is possible that the expenditure under this head will fall. Meanwhile, all I need say is that the budget provision is far below the expenditure of the current year as also of the year before, and no further reduction can reasonably be demanded.

A suggestion was made that the daily rate of fees for Government Pleaders be reduced from Rs. 30 to Rs. 20. On this point I am glad to have the sympathy of certain members of the legal profession. Speaking from my personal experience it would, I think, be very difficult to get suitable men to act as Government Pleaders if you pay them only Rs. 20 a day to conduct criminal cases. As my honourable friend, the member for Garhwal, remarked, he himself gets more. No pleader of recognized ability and with a well-established practice would accept so low a fee as Rs. 20 a day. I am afraid therefore we shall not be able to get men of the better type or of the requisite ability if the daily fee is cut down below Rs. 30. Any reduction made in the existing scale of fees will mean a falling off in the quality of Government Pleaders, and it is clearly the duty of Government to employ at least a good class of men so that



the administration of justice may not suffer. It is a very serious matter when an important case fails simply on account of lack of experience or skill on the part of the Government Pleader. When such a thing is done it is done, and it cannot as a rule be remedied. So I submit it will not be in the public interest to reduce the existing scale of fees for Government Pleaders, for it would mean a deterioration in the quality of the counsel who are prepared to accept the post of Government Pleader.

**Rai Bahadur Babu Vikramajit Singh :** I agree with the Legal Remembrancer that the remuneration of the Government Pleaders should not be reduced. I do not think you can get the services of a competent lawyer for a lower fee. Where, however, I differ from the Legal Remembrancer is that there should be such a huge provision for special counsel. It will be remembered that the non-official members of this Council have always deprecated the idea of engaging special counsel. The Hon'ble Legal Remembrancer has attempted to support this by saying that during the last three years they spent Rs. 77,000 and therefore this year they have budgeted for Rs. 23,000. This is not more than what has been spent during the last three years. I maintain that there was a mistake to have spent Rs 77,000 on special counsel at all. We have got competent Government Pleaders, and this work ought to be entrusted to them. The prosecution work ought to be entrusted to them. On the fees which have been fixed for them there is no reason either to get counsel from outside or to pay local men at a higher rate, and therefore the case for retaining Rs. 23,000 for special counsel, I think, has not been made out by the Legal Remembrancer, and as the motion before the House is that a sum of Rs. 22,000 be reduced, I would support that motion of Pandit Nanak Chand that this item of Rs 23,000 be cut down by Rs. 22,000. This will leave all the money for Government Pleaders and it will also leave all the money that is intended to be provided for special counsel to help undefended prisoners. We are not in a position to say anything on the point whether that provision is a large one or whether money spent in the past years has been to that extent, but I maintain that this provision for special counsel is unnecessary and therefore Rs. 22,000 ought to be cut out.

**Pandit Jhanni Lal Pande :** I thought that the assurances given by the Government benches on the floor of this House were at least respected by them. Last year when this question was raised before the House, the then Legal Remembrancer said—I am reading from Volume XVII, page 401—"The policy which we have now adopted is, if possible, to employ Government Pleaders on all big cases in their own districts and put in other men to officiate for them, if the work is so heavy that it is impossible for them to do the two things at once." I thought, Sir, that this policy would be adhered to, but in my own district a case was launched against one Pandit Beni Madho Tewari and a special counsel was sent for from Agra. I put a question to the Government benches:—"Was any member of the Jhansi, Cawnpore and Orai bar asked to appear for the prosecution before engaging the special counsel? If not, why not?" As usual, an evasive answer was given and the answer was:—"No. In the circumstances of the case it was considered advisable that counsel of some standing from outside should be appointed to conduct the prosecution." I fail to understand the meaning of the word "outside." Did the Government think that Jhansi and Cawnpore were inside Orai? It would have been more fair to us if they had said that they did not want

[Pandit Jhanni Lal Pande.]

to engage special counsel from Orai. However, the result was that this man was paid Rs. 400 as fees plus Rs. 258-8 for travelling allowance. My objection to this is that if there was need for engaging a special counsel you should have engaged from Jhansi or Cawnpore if no person was available or if no person could be trusted at the local bar. With these words I support the motion.

**Pandit Brijnandan Prasad Misra:** I think that some of the honourable members have not appreciated the difficulties of the Government, and it is on that account that they have moved for a cut. The honourable member from Lucknow, Mr. Saksena, has, for instance, asked if there are any important prosecutions to be launched on account of which this great demand was being made. I should say from my side that it is not impossible. Things may crop up and proceedings may be taken even against those persons against whom we might have no idea, and in case of such a contingency the demand is fair. On the one hand it is pointed out on behalf of Government: that Government Pleaders are selected from those persons who are of the best type, and on the other hand they engage outside people as special counsel for the prosecution on the criminal side. There may in fact be occasions when these Government Pleaders may not be considered sufficiently competent, there may also be occasions when the Legal Remembrancer himself may not be considered sufficiently reliable or competent. We the non-official members may have every sort of confidence in the higher officers such as the Legal Remembrancer is, but there are others who do not solely depend on them. Those belonging to the heaven-born service may have a separate standard of satisfaction. If proceedings are to be taken not against the people but against superior Government officers, how will an officer have to proceed then. A District Magistrate has already publicly sought the opinion of legal correspondent of the *Pioneer* in respect of certain statements of the Hon'ble the Finance Member. I do not know how the Hon'ble the Finance Member, who is a strict disciplinarian and whose face becomes red whenever any statement is made before him which is displeasing to him, will relish it, but the fact is that one of his subordinates, a District Magistrate, has taken a legal opinion about a certain statement made by him on a question of privilege. When he has that opinion it is quite possible that he may take his own proceedings. I do not know under what law he would take proceedings, but when an officer of such a high service shall be proceeded against, will it not be necessary that the legal correspondent of the *Pioneer* must be paid a very large sum of money?

**Mr. C. M. King:** The last few speakers have proposed to abolish the grant for special counsel altogether.

**Pandit Brijnandan Prasad Misra:** Not I.

**Mr. C. M. King:** Two honourable members before the last speaker have proposed that special counsel shall never be employed at all. I think it would be very difficult to accept that proposal completely. I hope the honourable members will realize that Government and the Legal Remembrancer really have done a great deal to meet their wishes in this respect. The expenditure on special counsel has decreased very much indeed. The average expenditure under this head for the last three years is Rs. 77,000; the budget provision for next year is only Rs. 23,000,

and the actual expenditure under that head for this year is only Rs. 11,000 odd. Well, the expenditure under this head has fallen enormously. If you go back beyond three years, for instance, take the year of the Katarpur riot, the expenditure in that year was well over a lakh on special counsel.

**Babu Bhagwati Sahai Bedar :** Do you expect more Katarpur riots this year ?

**Mr. C. M. King :** No, Sir. That is why I am not budgeting for so much as a lakh for special counsel ; I am budgeting for Rs. 23,000 only. I hope the honourable member will appreciate the difference. I have pointed out that the expenditure on special counsel has fallen enormously, but it is very difficult to dispense with services of special counsel completely. It sometimes happens in the case of communal riots that the District Magistrate wishes someone to be brought from outside to prosecute the case, possibly because the Government Pleader himself is unwilling to conduct the prosecution. You can imagine yourself that if the Government Pleader is a Hindu and if Hindus are accused in a communal riot case, it is very awkward that that Government Pleader should have to prosecute them. His conduct of the prosecution is likely to be severely criticized by the complainants. I think you can appreciate that. Anyhow, in cases of this sort the District Magistrate sometimes gives good reasons for the engagement of a special counsel from another district. Again, there are certain cases in which there is good deal of local excitement. For instance, there may be cases in which the accused person has a great deal of influence with the local bar and the members of the local bar are not ready to appear against him and even the Government Pleader is very reluctant to appear for the prosecution. In such a case Government may think it desirable that a counsel from outside should be engaged, and I therefore think it would be unreasonable to ask the Government *never* to employ special counsel. Their employment is sometimes necessary in cases of exceptional difficulty and importance. They are sometimes required because the Government Pleader is already fully occupied in other cases. Government have already done a great deal in the way of reducing expenditure on special counsel but cannot undertake that special counsel shall never be employed in any circumstances.

**Rai Bahabur Babu Vikramajit Singh :** Can the Government Pleader as a public servant refuse to prosecute on communal grounds ?

**Mr. C. M. King :** He can be compelled to prosecute, but I think you can quite understand that it would be very unfair on the man and also contrary to the public interests to compel him to prosecute in a case where his own personal friends or acquaintances are concerned. That sort of case can happen. Can you reasonably expect a Government Pleader to prosecute his personal friend ?

**Pandit Nanak Chand :** How many such cases occurred last year ?

**Mr. C. M. King :** I do not know. Such a case might occur, and it certainly does sometimes happen in communal cases that the Government Pleader is reluctant to prosecute. This does not mean that the accused are necessarily his personal friends, but if he is reluctant, it shows that he has sympathy with them or that he is afraid of being charged, rightly or wrongly, with showing sympathy towards them, and I think in such cases it is undesirable to force him to prosecute.

**Pandit Baijnath Misra :** I only want to know from the Government if it is possible to mention a single case where the Government Pleader has been reluctant to prosecute on communal grounds. This is all I want to know.

**Khan Bahadur Maulvi Fasih-ud-din :** I am afraid I cannot agree with the Legal Remembrancer when he says that cases may happen when the Government Pleader may be reluctant to appear or that on account of communal differences local pleaders may be unwilling, but I certainly agree with him when he says that the budget for special counsel cannot altogether be cancelled for the simple reason that cases may arise when a Government Pleader may be engaged otherwise and no other substitute is available. Special counsel, I believe, does not mean that he should be a counsel from outside, he may be a local practitioner, and I think it is the experience of all of us that in many cases special counsel has to be employed. For this reason I think that although there should be some reduction in the amount that has been proposed in the budget, the whole amount should not be eliminated. I therefore support the motion of Mr. Mehrotra for a reduction of fifteen thousand rupees. If the remaining amount is not found to be sufficient, then the Legal Remembrancer can bring forward a supplementary budget, giving his reasons for the excess cost.

**Mr. E. A. H. Blunt :** I am not concerned with the merits of special counsel or their demerits. I should like to make the actual figures clear so that members may know exactly what they are voting about. The budget last year for this item was Rs. 2,68,650, revised was Rs. 2,85,000. That figure was framed as a matter of fact after five months of the year had elapsed and it is undoubtedly too low. That has been proved by the fact that the Legal Remembrancer had to ask for a supplementary estimate of Rs. 48,000 which was passed by the Council. When we came to frame this budget, the Legal Remembrancer's demand was Rs. 3,17. The Finance department cut that down to Rs. 2,90. The Council will therefore understand that the Finance department have given the Legal Remembrancer Rs. 27, less already than the sum which he originally demanded. Consequently the Finance department have already made a very considerable cut. We based that figure on actuals. I understand—I am afraid I was not actually in the room at the moment—that Mr. Mehrotra regarded revised as actuals. If so, I am afraid that I must inform him that he is wrong; an estimate cannot be an actual. It was *based*, as we base all our revised estimates, on actuals; it is not “actuals” itself. We based it on one actual figure that is before the Council, viz., the accounts for 1923-24, page 47, a figure of 3½ lakhs round. We based it also on the actuals for the last twelve available months, five months in 1924-25 and seven in 1923-24; and on that basis it came to 3,40, so on actuals 3,56, and 3,40, and on a demand of 3,17, we have actually granted only 2,90. Consequently I cannot help thinking that this small increase that is being made from 2,68, to 2,90, is absolutely justified by the figures. I am afraid that even so, this particular figure so far from being too much will still prove too small, specially if there is any big case. There is at least one big gang case in Haldwani.

**The Hon'ble the President :** There is a further motion in the name of Pandit Nanak Chand for a reduction of Rs. 22,000, and a still further

motion in the name of Mr. Mehrotra for a reduction of Rs. 15,000, and to one of these—I understand to the motion of Mr. Mehrotra—the Hon'ble the Home Member has moved an amendment to substitute “10,000” for “15,000.”

Does Pandit Nanak Chand wish to have his motion put?

**Pandit Nanak Chand :** Yes, Sir.

**The Hon'ble the President :** I will first put the motion for a reduction of Rs. 22,000, and if that is not adopted, then I will put the motion for Rs. 15,000 as amended by the motion for Rs. 10,000.

The question before the Council is that the item of Rs. 2,90,000 be reduced by Rs. 22,000.

The Council divided as below :—

*Ayes* (6).

Pandit Nanak Chand.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.

Raja Saiyid Ahmad Ali Khan Alvi.  
Lala Mathura Prasad Mehrotra.  
Rai Bahadur Babu Vikramajit Singh.

*Noes* (43).

The Hon'ble Mr. S P O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad  
Mr. G. B. F. Muir  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad E'jaz Rasul Khan.

Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Lala Babu Lal.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rao Sahib Kunwar Sardar Singh.  
Kunwar Rajendra Singh  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Saif.  
Lieut. Nawab Jamshed Ali Khan.  
Maulvi Obaid-ur-Rahman Khan.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf  
Lieut. Raja Shaikh Intiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.

Motion negatived.

**The Hon'ble the President :** There remains one amendment, namely, a reduction of Rs. 15,000 to which a further amendment has been proposed by the Hon'ble the Home Member that for Rs. 15,000 Rs. 10,000 be substituted.

The amendment to the amendment was put and the Council divided as below :—

*Ayes* (47).

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.

Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad E'jaz Rasul Khan.  
Raja Bahadur Brij Narayan Rai.

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*Ayes (47)—(concl'd.)*

Mr. H. David.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Lala Babu Lal.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rao Sahib Kunwar Sardar Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Baijnath Misra.  
Kunwar Rajendra Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Saifi.  
Lieut. Nawab Jamshed Ali Khan.

Maulvi Obaid-ur-Rahman Khan.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan  
Sayid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.  
Dr. Ganesh Prasad.

*Noes (2).*

Pandit Nanak Chand.

1 Rai Bahadur Babu Vikramajit Singh.

Amendment agreed to.

Motion that the sum of Rs. 2,90,000 be reduced by Rs. 10,000 agreed to.

**The Hon'ble the President :** This disposes of motions Nos. 22 to 25. After lunch the Deputy President will open with No. 26.

**Mr. H. David :** Sir, what about my motion No. 22 ?

**Pandit Nanak Chand :** Mr. David wanted to take some other point if he could move his motion.

**The Hon'ble the President :** The item has already been reduced by Rs. 10,000 and cannot now be reduced by Rs. 10 only. That is the reason why I originally said it would be preferable to take all the motions in order of amount. For, if a motion for a larger sum is carried, the member who has a smaller reduction cannot later on give the Council the benefit of his opinion.

[The Council will adjourn for three-quarters of an hour.

After the adjournment the Deputy President took the Chair.]

**Rai Bahadur Thakur Hanuman Singh :** I beg to move that the demand of Rs. 1,600 in respect of the item regarding maintenance of lawns at page 48 of the Detailed Estimates be reduced by Rs. 400.

My reason in bringing this motion is that Rs. 100 per month for the maintenance of the lawn will be quite enough and Rs. 400 will thus be saved which can be utilized for some other useful purpose.

**Mr. Muhammad Aslam Saifi :** I am afraid the honourable member who has moved this amendment is not aware that this money is not paid by the Government. It is, as a matter of fact, raised by the various courts in the shape of fees from the vendors who are licensed by those courts. It is put into the Government Treasury and afterwards withdrawn for the upkeep of the lawns. Under these circumstances I think the cut proposed by my honourable friend is not justified. The money is usually spent as it is required by those courts which have put money into the Government Treasury. I will request my friend to withdraw this motion.

**Mr. E. A. H. Blunt :** The honourable member says that you can keep up a considerable area of lawn on Rs. 100 per month. I can tell him from my own personal experience that you cannot. We have a small

between us The lawn in the Judicial Commissioner's Court is nearly twice as large as our area, which consists simply of a couple of tennis courts, and for which we have to pay Rs. 96 a month. It would be absolutely impossible to keep up the lawns in question for Rs. 100 a month.

**Rai Bahadur Babu Vikramajit Singh :** Does this include cost of water ?

**Mr. E. A. Blunt :** This Rs. 1,600 includes the cost of water, manure and everything connected with the upkeep, including the staff. I think Rs. 1,600 is a very small figure indeed, and I think the Judicial Commissioner, who will under the new Act be the head of the Chief Court of Oudh, is entitled to Rs. 1,600 worth of amenities.

Motion by leave withdrawn.

**Maulvi Abdul Hakim :** I move that the demand of Rs. 1,49,400 in respect of the item regarding Civil and Sessions Judges at page 49 of the Detailed Estimates be reduced by Rs. 10.

My object in putting forward this motion is to raise the question of a separate judgeship at Basti. This question has been before the Government for the last several years and yet the Government has not been able to do anything. I am going to take a few minutes of the Council's time over the question because I have been precluded by the President from discussing it in the form of a resolution. In 1920 the Government decided that it is necessary that there should be a separate judgeship at Basti. Since that time the people of Basti and the High Court have been persistently making representations to the Government and yet no steps have been taken. Just to show the necessity of a separate judgeship at Basti I shall, with your permission, read a few passages from the annual reports of the High Court. In the civil statement of 1920 the High Court said :—" The Government has also approved the principle of having a separate judgeship for Basti and Muzaffarnagar. At Basti the nucleus for buildings has already been erected, and it is hoped that the extension of these buildings will be sufficient to provide the necessary quarters for the District Judge and his staff."

In 1921 the High Court said :—" Separate Sessions divisions are still to be established, as soon as funds are available and the requisite buildings erected, for Basti and Muzaffarnagar. In particular the Gorakhpur Sessions division in which Basti is at present included has been clearly unmanageable for some time past, and it is therefore hoped that funds will be forthcoming as early as possible to give effect to this much required reform." In 1922 the High Court made a similar remark :—" The creation of separate divisions for Basti and Muzaffarnagar is still delayed owing to lack of funds. The need is great, more especially as regards the severance of Basti from Gorakhpur." You will find a similar remark in the statement for 1923. Then, Sir, the matter did not stop there. Last year at the time of the budget discussion I brought forward a similar motion, and in the course of my speech I pointed out that if the Government was not able to establish a separate judgeship at Basti immediately, it should order one of the Additional Judges at Gorakhpur to come over to Basti and sit there. The Hon'ble the Home Member in reply expressed sympathy and promised that he would give a whole-time Sessions Judge to Basti as soon as the

[Maulvi Abdul Hakim.]

financial conditions permitted, and also that he would examine the alternative proposal put forward by me. After various *ad interim* answers the Hon'ble the Home Member on the 27th January last replied that for want of accommodation he was not able to carry out my alternative proposal. Now I wish to point out to this House that if the Government is really anxious to concede our demand, no question of funds or accommodation can arise. There are two Additional Judges at Gorakhpur besides the District Judge, and the work of the Basti district is done partly by the District Judge and partly by one of the Additional Judges. This work is more than enough to occupy a whole-time Judge. One of these Additional Judges can be very easily transferred to Basti with all his staff. Such an arrangement will not, I am sure, cost any extra expenditure. It will, on the other hand, bring about a saving of about Rs. 2,000 which the Government has to pay every year as travelling and halting allowances of the Sessions Judge and his staff and the Government Pleader during their stay at Basti.

As for the question of accommodation, I wish to say with a full sense of responsibility that enough accommodation is available for the Judge and his staff at Basti. I do not really understand why the Government should insist upon more accommodation. There is at Basti the new civil court building. The whole of this building, with the exception of two rooms, is lying vacant. These two rooms do not comprise more than one-fourth of the entire building, and the remaining three-fourths is quite sufficient for the Judge and his staff. In fact, this portion has accommodation twice as much as that occupied by the Additional Judge and his staff at Gorakhpur. Besides this building, there is the Sessions House at Basti. That House at present is used by the Additional Judge and his staff for over a week every month during sessions trials. The Government, I understand, is going to demolish that house. I ask why this building should be demolished if it is fit to be used. In days of prosperity the Government may have decided to demolish that building, but the question is whether in these days of adversity it should be demolished; further, whether it is advisable to demolish that building before you actually set up another. I go a step further and say that if the Government were to make inquiries, it will be satisfied that even without the Sessions House there is enough accommodation. I am quite sure that if the Hon'ble the Home Member, or the Judicial Secretary or the Judge of the High Court in charge of the English department goes to the spot he will hold the same opinion as I do. If, however, the Government is not satisfied with the accommodation that is there, I suggest that the Government might acquire the Public Works department office building which is going to be vacant shortly, and which is very close to the Civil Courts, and use that as the Munsif's court and the present Munsif's court as a record room. The two suggestions that I have just made are not new. I made them through questions in this Council three or four months ago, but unfortunately I have not yet been able to get answers. I am quite sure that if the Government takes up this question in right earnest it will find means to solve it. At present the financial position of the Government is not so bad as at the time when the budget was prepared, and the Government, thanks to the partial remission of our contribution to the Central Government, has enough closing balance now. If it becomes necessary at all to find



some money for this project, the Government can surely find that. The people of Basti have been waiting for this reform for about ten or twelve years, and the High Court has been insisting for this reform for about five years. I do not really see the reason why the Government has been flouting the opinion of the people of Basti and also the well-considered opinion of the High Court. I hope the Government will give its due consideration to this subject.

**Mr. J. R. W. Bennett :** The honourable member for Basti has, I think, stated the history of this question correctly. It is true that it has been pending now for some years. Government have agreed in principle to the establishment of a judgeship at Basti, but the High Court have represented that it is not possible to put the proposal into effect until accommodation at Basti has increased. I am aware that the honourable member for Basti has never fully accepted this explanation. He is of opinion that the accommodation at Basti at present is sufficient. He has lately suggested that it is not necessary to demolish the Sessions house there. We are at present making inquiries as to the condition of this house. In fact I have lately reminded the District Judge by telegram for a reply to this inquiry, and it is only an hour ago that I got a telegram saying that he would send a reply shortly and that he is consulting the Additional Judge.

There is one further point in this connection, and that is that it is possible that the Public Works department may be able to place at our disposal the office of the District Engineer at Basti. In this case I do not say it is likely, but it is possible, I think, that we may be able to make some such arrangement as the honourable member suggests without building further accommodation. This matter will also be examined, and I trust before long we shall be able to let the honourable member know definitely whether we can proceed with the scheme at once or whether it will still be necessary to build additional accommodation.

**Khan Bahadur Maulvi Fasih-ud-din :** I must cordially support the motion that has been put forward by the honourable member for Basti. I remember that it was about 24 years ago that I happened to be at Basti for about a year, and even then the necessity of a judgeship at Basti was felt. It is one of the anomalies of administration that this question has been hanging fire for the last two decades and a half and still it is stated that there is difficulty of accommodation, although the principle has been accepted by Government. Basti is a place which is rather notorious for the largest number of civil suits that are instituted and they are of a complicated nature. And to attach this district, which has already swelled, to the enormous district of Gorakhpur is another anomaly of the administration. For this reason, I think the question ought to be decided as soon as possible once for all. It has not been stated on behalf of the Government what steps have been taken to improve the accommodation, what funds are likely to be involved by the addition of some more rooms, whether an estimate has been made, or whether any plan has been drawn up, and when that plan and estimate are likely to be put into effect. All these are questions which ought to have been answered long, long ago. I notice that the honourable member for Basti has been agitating this question for over a year and still he has not been able to move the matter even an inch. I hope that this state of affairs will soon be remedied.

**Maulvi Abdul Hakim :** In view of the explanation given on behalf of the Government I do not wish to press the motion.

Motion by leave withdrawn.

**Mr. Muhammad Aslam Saifi :** I beg to move that the demand of Rs. 6,93,975 in respect of the item regarding clerks and apprentices (22—260) Permanent establishment at page 49 of the Detailed Estimates be reduced by Rs. 10,000. My object in moving this amendment is to invite the attention of the Government to the fact that at present the munsarims who are appointed to the courts of District and Sessions Judges are permanent fixtures in these appointments. Theirs is, as it were, a life tenure. This gave rise to numerous complaints from people who came under their influence, and, if I am not wrong, I may state here that some complaints about these matters have also been brought to the notice of the Hon'ble the Home Member. The fact is that some of these munsarims who find themselves ensconced in that position for life can behave in any manner they choose towards their subordinates. The Judges who are engaged for the most part on judicial work have little time to go into all the details. The detailed arrangements for the office are entirely at the disposal of the munsarim. If this service is provincialized, I think the grievances which have been brought to my notice from various districts will be easily removed. I am quite sure that the appointment of a munsarim is practically at the disposal of the District and Sessions Judge, but after all it is an appointment which refers to the office. It does not affect the administration of justice in any manner. So the only question of principle involved in this matter is that the service of munsarims should be provincialized. They ought in future be able to be transferred from one place to another as munsifs, subordinate judges or any other employee of the Government belonging to various departments is transferred from one part of the province to another.

I hope this amendment of mine will be acceptable to the Hon'ble the Home Member.

**Mr. H. David :** May I move my own motion ?

**The Deputy President :** If you want to move it separately you may do so.

**Mr. H. David :** My motion is a very simple one. I beg to move that the demand of Rs. 6,93,975 in respect of the item regarding clerks and apprentices at page 49 of the Detailed Estimates be reduced by Rs. 100.

My motion also concerns the munsarims, no doubt, but as I represent a special interest, it is in the interest of that community that I make this motion. I find that in these provinces there are 31 judgships and for each judgship there is a munsarim, but I regret to notice that not a single munsarim of the District Judges is a Christian or an Indian Christian.

**Mr. Mukandi Lal :** Couldn't they be converted ?

**Mr. H. David :** I think you should be converted. I find that there was a time when there were three munsarims in days gone by. They are all dead, they died some years ago and ever since then no attempt has been made to appoint a Christian as a munsarim of a District Judge.

**Rai Bahadur Babu Vikramajit Singh:** Has anyone's claim been superseded?

**Mr. H. David:** I know I have got enemies all round, so there will be interruptions no doubt, but I am sorry that these majorities have the heart, in spite of their professions, to crush the minorities. They should have the generosity to allow the minorities to state their own case, and they should further have the heart to support them. We Indian Christians are like the Kayasthas of old, *naukari-pesha*. They have no taluqdari or zamindari to look to and they have simply to look to this *chakri*. Therefore I think every encouragement should be offered to educated Indian Christians to find a footing in the Government service. Representation in every branch should be from the Indian Christian community. We have got graduates, not only in Arts and Science but in Law, and I think there can be no lack of fit candidates for these posts if a way be opened for these oft-neglected Indian Christians.

Therefore I hope the Council will kindly meet my wishes.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** I sympathize with the object of Mr. Saifi, but so far as the appointment of munsarims is concerned, under the law the power is vested in the District and Sessions Judge. He has to appoint the munsarim. So I am quite ready to consider the matter by consulting the High Court first.

As regards Mr. David's motion I should like to point out that there is one Christian munsarim at Agra, and I hope that no invidious distinction will be made by the Judges.

**Mr. Muhammad Aslam Saifi:** May I point out that I have no objection to the munsarims being appointed by the District and Sessions Judge. My object is that they should be transferred from one place to the other. At present they are permanent fixtures wherever they are appointed.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** Yes, I follow.

**Mr. Muhammad Aslam Saifi:** In view of the assurance given by the Hon'ble the Home Member I withdraw my motion.

**Mr. H. David:** So do I.

Motions by leave withdrawn.

**Babu Nemi Saran:** I beg to move that the demand of Rs. 1,35,000 in respect of the item regarding diet to witnesses and assessors at page 49 of the Detailed Estimates be reduced by Rs. 100.

I wish to bring to the notice of the Government as well as to the notice of this Council the humiliating and pitiable conditions of very respectable gentlemen who have had occasion to serve as assessors.

I put certain questions to the Government regarding their fate, and I got the following answers. I had asked the question:—

"Is the Government aware that assessors are obliged to remain standing in verandahs till they are called out by Sessions' chaprasi by their names, sometimes uttered most unmannerly, and that no arrangements are provided for their retiring room during the lunch and such other intervals?"

The reply was "No." This means that Government is not aware.

Sir, those who have got the first-hand information of the district can very easily corroborate my statement that the treatment that is meted out

[Babu Nemi Sarau.]

to those gentlemen who are called upon to serve as assessors by summons of the court is very miserable. The first thing that I wish to bring to the notice of the Government is this that when they are called upon to serve as such they expect at least that certain amount of courtesy will be shown to them. When they come to the court they find themselves in the same condition as the other parties to the case (that is, the accused and the prosecution party). They have got to loiter about in the same way as the witnesses and other persons connected with the parties loiter about the court. At the time when they are called in, the chaprasi of the court calls these gentlemen by their nicknames sometimes. There are many gentlemen who complained to me that they were called out in a most offensive manner, to which they took exception and they complained of this to the District Judge, but they were told that he could do nothing in the matter. The greatest advantage that I ever had of my Rs. 500 which I paid for being enrolled as a High Court vakil was that I was never called upon to serve in this humiliating manner; but standing here as a representative of my constituency, I think it my duty to bring to the notice of the Government that this state of things should be redressed.

The second thing that I want to bring to the notice is that the assessors are neither honorary nor paid. They are not honorary in so far as they are paid some diet money and expenses for their travelling; and they are not paid in so far as they do not get adequate sums which they really do spend on their journeys and on halting at the headquarters of the district or at the places where they are called to attend the courts. I know the case of a very big rai, who was paying a land revenue of Rs. 20,000. He came to me and complained that he wanted a second class fare from his place up to the place where he was called to attend the court, but he was only given an inter class fare, in which class he never used to travel, and that when he complained to the District Judge he did not listen to him. Further, he said that the District Judge had nothing to do with such matters and he had always to go to the clerk who sees to these things, and that the Judge thought it below his dignity to look to such things. Under the circumstances I think that unless they are treated better, no self-respecting persons would ever like to come to the courts unless they are forced against their will to do so by law. I do not think that the Hon'ble the Home Member, as head of the department, would tolerate the meting out of such humiliating treatment to a respectable Indian, and unless I am given a definite assurance. I would press this motion to a division to bring this matter to the notice of Government with greater force.

**Mr. J. R. W. Bennett:** I would point out in the first place that it would be very expensive indeed to provide retiring and refreshment rooms in every judgeship merely for the purpose of assessors, however desirable this may be. Secondly, so far as I am aware, we have had practically no complaints on this subject except from the honourable member who has just spoken. I have myself had a little experience as a Sessions Judge, and I never received any complaints on this account, nor did I see any reason to suppose that assessors were suffering from any inconvenience. They were always allowed to sit in court whether they were required to do so during the trial or at any other time, and so far as I

am aware they were always able to obtain refreshment outside the court. I very much doubt whether there is any general complaint on this subject.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** As regards the point raised by my honourable friend Babu Nemi Saran, that in certain places the assessors are called by nicknames, I am sorry to hear that. I will make an inquiry, though I do not believe that this can be the case in all places. If there is any complaint at any place, I shall see that it is not repeated.

**Babu Nemi Saran :** What about travelling and halting allowances ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I am quite willing to increase the rates if the budget of the department is increased.

**Babu Nemi Saran :** If you have not enough money, it is much better to make these assessors work honorary.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** This is a question which can be considered separately.

**Rai Bahadur Thakur Hanuman Singh :** I agree with the honourable mover that the assessors are not properly treated, and it is on this account that no gentleman with any respect in him likes to sit as an assessor. Whenever a list is published and any gentleman whose name is on the list and who wants to get his name struck off the list has to undergo a lot of trouble in getting his name removed by the judge sahib. Had they been treated with respect due to them, they would not have been very much averse to serving as assessors.

As regards the refreshment and retiring room, I may be permitted to say that if the District and Sessions Judges try to think of treating these assessors with a little more consideration they can have a tent pitched in the court compound where the assessors can sit and refresh themselves.

There is another point which I wish to mention. The witnesses are generally poor people. They are not adequately paid by the courts when they go there to give evidence. The day when they start is not counted, the day they return is not counted, and then the daily allowance at which they are paid is not sufficient to meet the expenses of their stay in the town or city.

I bring these facts to the notice of the House in the hope that the grievances will be redressed as far as possible.

**Pandit Govind Ballabh Pant :** I had no intention of speaking on this motion, and in fact I believe that we are not proceeding as fast as we ought to if we mean to carry on work in a business-like manner and to get to the end of the agenda fixed for two days. When, however, the question of Indian self-respect comes in, I think it is the duty of every member of this House to see that the facts are not muddled. If the Hon'ble the Home Member alone had spoken on the subject, there would not have been much need for anybody to come forward, but I regret to say that the words of Mr. Bennett were such as to indicate that Mr. Nemi Saran was drawing only on his imagination and coming forward with a fiction which had no basis whatsoever. That being the position, I think, , ,

**Mr. J. R. W. Bennett:** I may be permitted to point out that what I said was that the Government had heard of no general complaint on the subject.

**Pandit Govind Ballabh Pant:** Without in any way labouring this question further, I may submit that if the Hon'ble the Home Member agrees to issue distinct instructions to sessions judges in the province that assessors are respectable persons and that they are entitled to be treated with becoming respect, then perhaps the honourable mover may withdraw the motion, otherwise I am afraid it will be pressed to a division.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** I have already promised to consider the matter.

**Mr. Mukandi Lal:** There is just one point that I should like to bring to the notice of the Government, and it is this. Honourable members of the Council are all respectable persons, and whatever is said by them is certainly entitled to due consideration at the hands of the Government. If, however, they state any facts which the Government considers false, they ought to be given sufficient reasons for it, and an inquiry made instead of simply depending on "the man on the spot." I have noticed the same habit in the Government in the matter of allegations made by the honourable members in question. And I hope that as a protest against the attitude of the honourable Judicial Secretary the non-official members will vote for this motion.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** I hope honourable members will be satisfied by this assurance that I am perfectly willing to consult the High Court in the matter as a preliminary step.

**Mr. Masud-uz-Zaman:** I beg to submit that, though there may or may not be a general complaint on the subject, it is a well-known fact that people very much dislike to be appointed as assessors, and I imagine the recommendation of the Reforms Inquiry Committee that members of the Legislatures in India should not be made assessors is also based on that element of truth. It is even probable that most of the gentlemen who were invited to the committee to tender evidence deposed to the effect that members of Legislatures might at least be spared the humiliation of being appointed as assessors. Speaking from my personal experience, I may state that whenever a person of the meanest status was appointed an assessor, he desired that his name might be expunged from the list of assessors. This dislike is not only based on mere inconvenience, but it is also based on the general impression prevailing that it is below the dignity of a man to be appointed as an assessor. I do not know why this impression prevails, but this is a fact that it does prevail, and as such people should not be forced to be made assessors. With these few words I support the motion.

**Raja Jagannath Bakhsh Singh:** I had no intention of speaking on this matter, but I find that issues are being confused to a certain extent, and I therefore would like to give my experience on this subject. So far as the matter concerns some particular gentlemen as my honourable friend Mr. Nemi Saran or his friends I have nothing to say. I have simply to add to the remarks of the Hon'ble the Home Member that if it is a fact then inquiries should be made and steps should be taken.

Now I have to say a few words about the point that assessors want to get away because they are afraid that good treatment will not be meted out to them by courts. As far as my experience goes, this argument has no foundation. Jurors and assessors are, in the majority of cases, agriculturists. There is, of course, reluctance towards people getting into the jurors' list, and that is because I think that they do not yet quite realize the responsibility of public service. They do not want to get out of their agricultural business which is always very important for them . . .

[A voice :—"What about cities?" ]

**Raja Jagannath Bakhsh Singh :** About cities, I think the number of educated jurors is in the minority in the list.

**Mr. Mukandi Lal :** Is it on purpose or accidental ?

**Raja Jagannath Bakhsh Singh :** It is on account of population, because the population of educated people is much smaller than that of agriculturists and uneducated people. They do not select jurors and assessors simply, I think, on account of educational qualifications, but on account of the qualifications of position and respectability. I therefore think that it is simply on account of the inconvenience that the jurors do not very much like to go to courts and want to get out of the list. As far as the educated class is concerned, I do not know that they also desire to get away from the list. I do not think that it has been said that they do not like to go to courts. To be brief, therefore, I do not see my way to support the motion.

**Babu Jai Narayan Chaudhri :** I wish to bring to the notice of this House a recent incident which has occurred at Bareilly less than two months ago. Some four or five jurors were called in a sessions case and out of these men I know that three were big zamindars and traders and one of them was executive officer of the municipal board of Bareilly. The case was not taken up on that day. They were asked to attend at 10 and they had to wait till 3 p.m. They did not get any information from the District Judge that the case was not to be taken up on that date. They had to wander here and there, and at 3 p.m. and with great difficulty they got the reply that they would be called tomorrow. The next day they again came and they waited up to 12. At half past twelve the case was taken up and they had to wander here and there till then. They are very respectable men of Bareilly. Under these circumstances I think that no respectable man would like to serve as a juror or assessor. . . .

**Mr. J. R. W. Bennett :** I shall first of all repudiate the suggestion that I had any intencion to doubt —

**Pandit Govind Ballabh Pant :** I should like to rise to a point of order. When the honourable member in charge of the subject has already spoken and Mr. Bennett has already spoken, is it permissible for Mr. Bennett to speak again?

**Mr. J. R. W. Bennett :** I only wanted to make a personal explanation.

**Pandit Govind Ballabh Pant :** So far as the rules go the statement should be challenged. . . .

**The Deputy President :** From the little that he has spoken I infer that he is not attempting to make a reply, but he is offering a personal explanation.

**Pandit Nanak Chand :** Is it now too late for a personal explanation? The personal explanation does not arise out of the speeches of the last two speakers.

**The Deputy President :** It does arise out of several speeches that have been made.

**Mr. J. R. W. Bennett :** I only wish to repeat what I said before that I had no intention of casting any doubt or reflection on Babu Nemi Saran's veracity. Accommodation no doubt varies in different judgements, and in some places assessors may be more comfortably accommodated than in others. The experience of Babu Nemi Saran may have been more unfortunate than that of other gentlemen.

The motion that the demand of Rs. 1,35,000 in respect of the item regarding diet to witnesses and assessors at page 49 of the Detailed Estimates be reduced by Rs. 100 was put and the Council divided as below :—

*Ayes (41).*

Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Jai Narayan Chaudhri.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Shib Narayan Singh  
Rai Bahadur Babu Ram Nath Bhargava.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhya.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Baijnath Misra.  
Pandit Govind Ballabh Pant.

Pandit Hargovind Pant  
Mr. Mukandi Lal  
Babu Ram Chandra Sinha.  
Dr. Jaikaran Nath Misra.  
Kunwar Rajendra Singh.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Naim Ansari.  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Nawabzada Muhammad E'jaz Ali Khan.  
Maulvi Obaid-ur-Rahman Khan.  
Hafiz Hidayat Husain.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Rai Bahadur Babu Vikramajit Singh.  
Dr. Ganesh Prasad.

*Noes (25).*

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bahi.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.

Mr. R. Burn.  
Mr. B. J. K. Hallowes.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke  
Raja Muhammad E'jaz Rasul Khan.  
Rao Sahib Kunwar Sardar Singh.  
Kunwar Surendra Pratap Sahi.  
Sayid Muhammad Ashiq Husain.  
Khan Bahadur Munshi Siddiq Ahmad.

Motion agreed to.

**Rai Bahadur Thakur Hanuman Singh :** I beg to move that the demand of Rs. 21,000 in respect of the item regarding improvement of court compounds at page 50 of the Detailed Estimates be reduced by Rs. 6,000.

I find from the Detailed Estimates that last year the provision under this head was Rs. 10,000, and this year it is Rs. 21,000. For the



improvement of court compounds the Government should no doubt allot a certain amount annually so that in course of time all the court compounds may be put in order; but if the Government continues doubling the amount each year, there may be a time when it will be too much to be allowed. Any amount can be spent on these court compounds to put them in a decent order, but a small amount can also suffice to keep them clean and tidy. I have moved a reduction of Rs. 6,000 only and I think it leaves a sufficient balance to serve the purpose.

**Mr. E. A. H. Blunt :** We had a discussion on this item last year, and we have had it already once this year in a supplementary estimate. The position has already been described quite correctly by Mr. Saifi when he was speaking on the matter of the Judicial Commissioner's lawns. I will try to make it perfectly plain to the Council what actually happens. In all these civil court compounds there are a certain number of vendors of all sorts – vendors of food, stamps, and so on. These men have to get licences. Licence fees are collected and the amount that is received in any one year is put into the contract contingencies of the Judge for the next year to be spent on the court compound. In other words, this is not Government money at all; it is money contributed by the persons who use the court compounds and spent for the benefit of those persons by improving the compounds in which they have to live. The sum of course varies. Last year as a matter of fact the figure was more than ten thousand the figure was fifteen thousand and we had many complaints. The Council made reduction of five thousand. Several judges complained that they could not even maintain their staff of sweepers and accordingly we came to Council and a supplementary estimate was voted. We are now doing what we have always done, that is, we have put into the budget the amount that has actually been contributed by people using the court compounds in the preceding year, viz., in 1924-25. Consequently what Rai Bahadur Thakur Hanuman Singh wishes us to do is to take revenue which we do not want and which we cannot use for any other purpose. It is simply collected for that one single purpose. In other words, the sole result of this motion is to rob the people who use the court compound of their own money and give it to Government. I do hope he will withdraw this motion, because we have had a number of complaints about the state in which the court compounds got as a result of the cut last year.

**Rai Bahadur Thakur Hanuman Singh :** There is one word which I have to say in this connection. The court compounds are Government property, and any one who uses such a compound pays rent to Government. I fail to see why the money belongs to any special judge or to any special court; it is public money and of course it should be spent as the Government or the Council desires. I have no desire to press this motion, as the Finance Secretary has said that there is much need for it. I do not want to press it.

Motion by leave withdrawn.

**Pandit Nanak Chand :** I move that the demand of Rs. 2,28,507 in respect of the item regarding total contingencies at page 50 of the Detailed Estimates be reduced by Rs. 10,000 instead of the original motion of Rs. 20,000.

I find great difficulty this year in understanding the provisions for various items because the columns for the accounts of 1923-24 are almost

[Pandit Nanak Chand.]

blank and only total figures for a number of items have been lumped together. The same is the case in the column for revised estimates for 1924-25. I believe that the same is the case in the case of supplementary estimates. It would have been futile to attempt any reduction in the detailed heads under contingencies. I have therefore brought this motion for a lump reduction under this total for contingencies.

It has just been pointed out to the Council that the figure of Rs. 11,000 under the head "Improvement of court compounds" is met from money which is not really speaking Government money, and that it is necessary for the improvement of court compounds. So I make an allowance for that and have reduced my motion by ten thousand. If the honourable members will turn to the total figures for contingencies at page 50 they will find that the revised figure for 1924-25 is 2,05, Government got by supplementary estimate to the extent of 2,937; the total comes to Rs. 2,07,937. The estimate last year was Rs. 2,15,502. This year it has been raised to Rs. 2,28,507. As against last year there is an increase of about thirty thousand, and as against the revised and supplementary estimate it is an increase of something about Rs. 21,000. After allowing for an increase under the head of improvement of court compounds I expect a cut of ten thousand under this head.

**Mr. E. A. H. Blunt:** As I follow the honourable member, he wants a cut of ten thousand because he considers that we ought to be able to work to the revised after allowing for this extra ten or eleven thousand for court compounds. I should like to remind him that the revised, as I had occasion to say already today, is a mere estimate, and it very frequently happens that after these estimates are framed in November, we find that they are not correct. In this case I think this figure is undoubtedly too low. Now looking at the original budget figures, I do not know how it has been put at 2,05, in the original budget it was 2,15, which at once disposes of ten thousand. Apart from that, there is, I am quite convinced, an under-estimation in the revised. There should be in all probability a correction for petty construction and repairs. That is a thing which, as the honourable member knows, has just been handed over to the department, and the fact is that they cannot yet really estimate with any accuracy under that head because they are not yet used to doing it, and they do not know how much money is going to be spent out of the money allotted.

The figure in the revised is consequently low. The budget figure under that same head has risen by about 7 or 8 thousand as a result of the Public Works department reorganization, which meant the transfer of a number of buildings to the department. However, I may (if the honourable member will believe me) tell him that we propose to make reductions elsewhere. It so happens that the member concerned was not here when his motion was called, otherwise we were going to accept a reduction of Rs. 18,000, whilst we are also going to make another reduction in a non-voted item. I hope therefore that he will accept this reduction in lieu of his own. We shall be able to reduce this budget by simply resuming sums to the extent of nearly half a lakh—I cannot say exactly how much—which would have been accepted as a reduction if the member concerned had been in the House. Under the circumstances I hope he will see his way to drop this motion.

**Mr. Mukandi Lal :** Are you accepting a reduction of Rs. 18,000?

**Mr. E. A. H. Blunt :** We will make the cut now without a motion here.

**Pandit Nanak Chand :** Should we expect a detailed motion from the Finance Secretary?

**Mr. E. A. H. Blunt :** I am afraid it is too late for that, but I can assure the honourable member that the Finance department on its own initiative will resume the sum.

Motion negatived.

**Pandit Yajna Narayan Upadhya :** There is a slight misprint in the agenda—instead of page 49 it should be page 50.

**The Hon'ble the President :** That doesn't matter. I want to know whether you wish to attack any particular item of the total of the District and Sessions Judges?

**Pandit Yajna Narayan Upadhya :** I want to attack no particular item, but the total.

I beg to move that the demand for Rs. 20,49,708, in respect of the item regarding civil and sessions courts at page 50 of the Detailed Estimates be reduced by Rs. 10,000.

My object in bringing this reduction is to ventilate the long-standing grievances of the province regarding the appointment of Joint Magistrates as district and sessions judges. During the discussion of the Oudh Courts Bill it has been sufficiently shown by the various members of these provinces that these young Indian Civil Servants do not do proper justice to civil cases. My friend Babu Bindeshwari Prasad has quoted several instances in that connection. I have also got an instance to bring to the notice of this House. In reply to a question of mine in connection with the appointment of a District Judge at Benares I was told that the District Judge has got only three months' civil experience. If the appointments of District Judges are going on in this way, it seriously affects civil justice. In this connection I beg to submit that it is essentially necessary that District Judges should be appointed from among persons who have got ample and sufficient experience and not from among joint magistrates who possess no experience, and I say civil justice is greatly suffering on account of these young Indian Civil Service officers being appointed as District Judges. So I move this out.

**The Hon'ble Mr. S. P. O'Donnell :** I understand the complaint is that joint magistrates are appointed as district and sessions judges without sufficient training. As a matter of fact, the usual practice is to appoint them as sessions and subordinate judges first. It was recognized years ago, that it was desirable that they should have better training in civil law than they have at present. The only difficulty has been, however, that the cadre was short and it has not been possible to give effect to the scheme. There is a regular scheme worked out—it is probably in the office of the Legal Remembrancer, starting the training in civil courses. At any rate, so far as I know, they are not appointed at once as district and sessions judges. The usual course has been to appoint them sessions and subordinate judges first.

**The Deputy President :** The amount should be really Rs. 13,98,108, as the balance is non-voted.

Motion negatived.

**The Deputy President :** I would like to know if motions 46 and 47 are meant to attack any particular item of the total ?

**Pandit Sri Krishna Dutt Paliwal :** Motion 47 is for the total demand.

**Pandit Nanak Chand :** My motion is against the total, Sir.

**Hafiz Hidayat Husain :** I beg to move that the demand of Rs. 5,68,840 in respect of the item regarding salaries of sessions and subordinate judges and duty allowance at page 50 of the Detailed Estimates be reduced by Rs. 10.

My object in bringing this motion is to elicit information from the Government with regard to the location of the subordinate and sessions judge's court at Fatehpur. This is a long-standing desire of the public of Fatehpur. A resolution to this effect was moved in the late Council some time in 1920 which was passed by the Council. Later, in reply to a question by me it was stated that the matter was held over for want of funds. I understand that if the sessions and subordinate judge would live permanently at Fatehpur and try cases there it would lead to a saving in the shape of travelling allowances of the judge and his staff. The judge at present has to stay for about 25 or 26 days in the month at Fatehpur to try session cases, he hardly stays at Cawnpore for five or six days, which means so much money spent in travelling allowance, halage, etc. All this could be saved if Fatehpur was made his permanent headquarters. Therefore I think the sooner the court is established at Fatehpur the better.

[At this stage the Hon'ble the President resumed the Chair.]

**Mr. Mukandi Lal :** What will happen to motion No. 41 which is in the name of the Deputy President. He was absent up to that time. Will he move it now ?

**Rai Bahadur Pandit Kharagjit Misra :** Before I formally proceed to move the amendment that stands in my name I wish to ascertain one thing from the Government, and it is this. Do the Government contemplate the establishment of a permanent subordinate judge's court at Etawah during 1925-26 and does this budget include the expenses of such a court. If the expenses of such a court are not included in this budget then I think my motion is premature.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** There is nothing in this budget.

The motion was not therefore moved.

**Dr. Ganesh Prasad :** I beg to move that the demand—

**The Hon'ble the President :** There is already a motion for reduction of the demand by Rs. 10. The honourable member may speak to that—

**Dr. Ganesh Prasad :** I wish to ventilate another grievance similar to the one ventilated by Hafiz Hidayat Husain.

**The Hon'ble the President :** The honourable member may move for reduction of Rs. 9.

**Dr. Ganesh Prasad :** Yes, Sir. I beg to move that the demand of Rs. 5,67,840 in respect of the item regarding sessions and subordinate judges' salaries at page 50 of the Detailed Estimates be reduced by Rs. 9.

My object in bringing forward this motion is to ventilate the grievance of my native district, namely, Ballia. At Ballia there is a subordinate judge who has not the powers of an assistant sessions judge. I wish the Government to look into this grievance and remedy it as early as possible, as the litigants of the Ballia district have tremendous difficulties in going from Ballia to Ghazipur. Government will make the people of Ballia much more grateful than they already are because of the decision arrived at by Government not to abolish the district if they, by a simple stroke of the pen, invest the subordinate judge of Ballia with the powers of an assistant sessions judge.

**The Hon'ble the President:** There is a similar motion in the name of Rai Bahadur Thakur Hanuman Singh.

**Rai Bahadur Thakur Hanuman Singh:** I rise to give my whole-hearted support to Dr. Ganesh Prasad's motion. My intention in bringing forward my motion was the same as that of the honourable member. If the subordinate judge in Ballia is allowed to exercise the powers of an assistant sessions judge I think the people of that district will find it very convenient to conduct their cases at very much less expense than they do at present. Besides, that, it will lighten the work of the district judge of Ghazipur. Besides this, there is the question of the permanent location of a subordinate judge at Ballia. I think that question has not yet been decided. The subordinate judge there is considered to be temporary. He is getting any amount of work which keeps him engaged in all seasons, and I think if the court is made permanent then he will continue to get work as he is getting at present.

With these few remarks, Sir, I support the motion of Dr. Ganesh Prasad.

**Khan Bahadur Shaikh Masud-uz-Zaman:** May I ask if Hafiz Hidayat Husain's motion is before the House now?

**The Hon'ble the President:** Yes.

**Khan Bahadur Shaikh Masud-uz-Zaman:** Then, speaking in that connection, the question of additional sessions and subordinate judgeship of Fatehpur affects substantially the judicial system of the district judgeship of Cawnpore, covering four districts. So I think it will not be out of place if I place the position of Banda in that district judgeship before the House. The present judicial situation of the district judgeship of Cawnpore can be traced only if we go back to the history of the Banda and Cawnpore judgeships acting together in connection with Fatehpur before 1913. In 1913 the District Judge of Banda used to be the District Judge for Banda and Hamirpur and sessions judge for Fatehpur, while the District Judge of Cawnpore used to be the District Judge for Cawnpore and District Judge for all the appellate and civil work for Fatehpur as well. When the situation was changed the district judgeship of Banda merged into the district judgeship of Cawnpore and the sessions works of Fatehpur also went over to the District Judge of Cawnpore. The present position is this: The District Judge of Cawnpore has got jurisdiction over four districts, viz., Cawnpore, Fatehpur, Banda and Hamirpur. There is a session and subordinate judge at Banda who is subordinate to the District Judge of Cawnpore. The result is that in my opinion Government is incurring very heavy expenditure by having this present arrangement. Either there should be the old arrangement, i.e., the district judgeship of Banda should be the district judgeship of Banda and

[Khan Bahadur Shaikh Masud-uz-Zaman.]

Hamirpur with sessions work at Fatehpur or Fatehpur attached to it and the district judgship of Cawnpore should be the district judgship of Cawnpore as well as Fatehpur. But I understand that the resolution which was passed, in 1922 I think, was to the effect that a sessions and subordinate judgship should be established for Fatehpur separately, so the result will not be satisfactory if the district judgship of Cawnpore continues to have the present arrangement. Instead of having an additional judge of the grade of District Judge at Cawnpore as well as a sessions and subordinate judge at Cawnpore for Fatehpur and appellate jurisdiction over Banda and Hamirpur, the district judgship for Banda may be separated, i.e., the District Judge of Banda should be District Judge for Banda, Hamirpur and Fatehpur should be given its share of sessions and subordinate judgship with the appellate superior jurisdiction of Cawnpore judgship over Fatehpur. If this arrangement is made, indeed a District Judge of Banda will be permanently appointed but one sessions and subordinate judge will be reduced with additional appointments and a permanent staff of one sub-judgship. Thus it will reduce the cumbersome work and expenditure, and, at the same time, it will be convenient for the public of the three districts. I am sorry I cannot go into the details with regard to the district judgship of Banda, but I think that the only solution at present, which I was going to suggest in my resolution of which I gave notice, but which could not unfortunately be moved in this Council, was that by giving effect to this arrangement the Council will be saving money, and saving the cumbersome task of managing four districts with one District Judge nominally and from time to time appointing additional judges both at Banda and at Cawnpore. I think the additional judge who has been appointed from 1913 for the extra work to be done there for the District Judge of Cawnpore has been kept there incessantly. Infact it is only supposed to be a temporary post, but really it has in every respect equal expenses so far as the permanent expenditure is concerned. From time to time within these short years three sessions and subordinate judges have had to be additionally appointed for Banda and Hamirpur for disposing civil work which has to be done by a sessions and subordinate judge who stays at Banda. So, I think, that while this question is taken into consideration, the question of establishing a district judgship at Banda is also very necessary and would solve the difficulty and reduce the expenditure of the district judgship of Cawnpore.

With these remarks I support the motion.

**Mr. J. R. W. Bennett:** I will take first the question of Fatehpur. Prior to the report of the Greeven Committee the Fatehpur district was included in the Banda judgship. The Greeven Committee recommended that Fatehpur should be included in the Cawnpore district because communications between Fatehpur and Cawnpore were better than between Fatehpur and Banda. As a result of that recommendation the Banda judgship disappeared as the Greeven Committee were of opinion that there was not sufficient work left there for a district and sessions judge. For some time past there has been a proposal to post a sessions and subordinate judge at Fatehpur. Recently, however, the honourable member for Banda gave notice of a proposal to revive the former judgship of Banda and although his resolution on that proposal has not

been debated, it was apparent that if the question of reviving the Banda judgeship was considered, then the question of the appointment of a sessions and subordinate judge at Fatehpur must also be considered with it. It is for that reason that we have lately consulted the High Court on both questions together and we are at present awaiting their reply.

As regards Ballia I do not think any proposal has been made—I do not remember seeing it before—I can only say that we are prepared to consult the High Court about it.

**Khan Bahadur Shaikh Masud-uz-Zaman:** May I ask the Deputy Secretary one question. He has not explained to us whether the Greeven Committee took into consideration that the passing of the Encumbered Estates Act of Bundelkhand and the Alienation of Property Act of Bundelkhand would reduce the work considerably and that the work was not after all reduced when normal conditions have come back again.

**The Hon'ble the President:** That sounds more like a speech than a question,

**Hafiz Hidayat Husain:** In view of the assurance given by Mr. Bennett, I do not propose to press my motion.

Motion by leave withdrawn.

**Dr. Ganesh Prasad:** In view of the assurance given by Mr. Bennett, I beg to withdraw my motion.

Motion by leave withdrawn.

**Pandit Nanak Chand:** I move that the demand of Rs. 6,17,840 in respect of the item regarding subordinate judges at page 50 of the Detailed Estimates be reduced by Rs. 17,840.

If the honourable members will kindly refer to page 50 they will find under the head subordinate judges "salaries" total salaries given as follows :—

					Rs.
Accounts for the year 1923-24	..	..	..	..	5,65,330
Budget estimate for 1924-25	..	..	..	..	5,45,390
Revised estimate for 1924-25	..	..	..	..	6,00,000
Budget estimate	..	..	..	..	6,17,840

From this it will appear that the figure provided in the budget is higher by Rs. 17,840 as compared with the revised figures and is higher by another amount of Rs. 55,000 as compared with the budget provision for the current year. The Finance Secretary, Mr. Blunt, has just pointed out that the Finance department will make a reduction of over half a lakh in connection with items which the Council had passed under the impression most probably that the provisions made in the budget were wanted by the Government as urgent measures. So on account of that information I feel suspicious about every increase that is provided for these in the budget and I hope that Mr. Blunt will accept this reduction and will be content with six lakhs.

**Mr. E. A. H. Blunt:** First of all I want to remove the suspicion of Pandit Nanak Chand regarding over-budgeting as it may prove inconvenient later on. The suspicion is totally unfounded. What actually happened was that two gentlemen, Rai Bahadur Thakur Hanuman Singh

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and Pandit Bhagwat Narayan Bhargava, brought two motions for reduction in the pay of district and sessions judges. On examining the figures this morning I found that there had been a mistake—not on the part of the Finance department, but probably either on the part of the Judicial department, or the Accountant-General, I am not quite sure which in entering the amount under this head at two places. It was for that reason that I was quite prepared to accept a cut. That cut was, however, not moved because those gentlemen were not present at the right moment and now the Finance department intend to do it themselves. So I trust the suspicion will now cease.

As regards these particular figures I am rather sorry that it is not possible to take motions Nos. 46 and 48 together for they are closely connected. The honourable member knows that when a subordinate judge goes on leave or is promoted to a district judgeship his place is taken by a munsif. Consequently to get at the true state of the cadre you have got to add the figures of munsifs and subordinate judges together. I think if the Council will do this, they will find that the total amount provided in revised estimate is Rs. 11,40,000 and in the budget estimate is Rs. 11,80,740. There is, therefore, an increase of just about Rs 41,000 under the two heads together. The number of officers at one place is 58 and at another 143, that is, a total of 206. These officers get increments at the rate of Rs. 30 per mensem, and the total amount required for this purpose alone comes to Rs. 74,000. If we are to give these officers their increments it is quite obvious that we cannot go back to the revised estimates for if we do, we shall be short of money to pay these officers their dues. I can assure the honourable member that we have estimated the expenditure very closely on the basis of actuals. As far as we could, we have made allowance for officers going on leave and we have not over-budgeted. It would be a great inconvenience to reduce these two items.

The motion was put and the Council divided as below :—

*Ayes (28).*

Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Jai Narayan Chaudhri.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Thakur Shib Narayan Singh.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Pandit Sri Krishna Dutt Paliwal.

Bibu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhyay.  
Pandit Baijnath Misra.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukand Lal.  
Babu Ram Chandra Sinha.  
Dr. Jaikaran Nath Misra.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Naim Ansari  
Maulvi Zahur-ud-din.  
Hafiz Hidayat Husain.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.

*Noes (30).*

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur  
The Hon'ble Lieut Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.

Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. B. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. B. Cochrane.



## Noes (30).

Mr. A. H. Mackenzie.

Mr. G. Clarke.

Chaudhri Jaswant Singh.

Lala Babu Lal

Rai Bahadur Babu Ram Nath Bhargava.

Kunwar Surendra Partap Sahi.

Mr. Muhammad Aslam Saifi.

Maulvi Obaid-ur-Rahman Khan.

Khan Bahadur Shaikh Masud-uz-Zaman.

Saiyid Muhammad Ashiq Husain.

Khan Bahadur Maulvi Fasih-ud-din.

Khan Bahadur Muusbi Siddiq Ahmad.

Motion negatived.

**Pandit Sri Krishna Dutt Paliwal:** I beg to move that the demand of Rs 8,91,146 in respect of the item regarding subordinate judges at page 50 of the Detailed Estimates be reduced by Rs. 100. This mysterious motion, as you were pleased to call it, is a feeble attempt to reveal the mysteries of the Government. I wish to bring this fact to the notice of the House that the Government has shown scant courtesy to the wishes of the House. As the House is aware on the 2nd March, 1921, Mr. Zafar Husain moved a resolution recommending to the Government that the new court of additional sessions and subordinate judge in the Cawnpore judgeship for the work of the Fatehpur district be located at the headquarters of the Fatehpur district. This resolution was put and adopted. On the 4th April, 1924, in reply to a question asked by Babu Bhagwati Sahai Bedar the Government said that they were ready to locate the court at Fatehpur as soon as the funds could be provided. We find that no provision has been made in the budget, and we do not know if any provision is going to be made in the coming year's budget.

**Mr. J. R. W. Bennett:** I have already explained the position as regards Fatehpur. We are consulting the High Court in connection with the proposal of the honourable member for Banda to create or rather to revive, the district judgeship of Banda. If the district judgeship is revived at Banda, it may be necessary to include in it again the district of Fatehpur and consequently it may be necessary to reconsider the proposal to locate at Fatehpur a sessions and subordinate judge.

Motion negatived.

**Pandit Nanak Chand:** I move that the demand of Rs. 5,62,900 in respect of the item regarding munsifs at page 50 of the Detailed Estimates be reduced by Rs. 20,000. If the honourable members will kindly turn to page 50 of the Detailed Estimates, they will find that under this head the actuals for 1923-24 are Rs. 5,58,000, the budget estimate for 1924-25 is Rs. 6,37,620 and the revised figures for 1924-25 are Rs 5,40,000. The budget figure for the next year is Rs. 5,62,900. Here I propose a reduction of Rs. 20,000 which will, if accepted by the Government and the Council, leave for the Government a sum of Rs. 5,42,900 which is a higher amount than the revised figure for 1924-25.

**Mr. E. A. H. Blunt:** I need not detain the Council long on this item, because I have already stated practically all that I have to say when I was dealing with motion No. 46. I said then that the two are interconnected, and that one cannot be separated from the other. You cannot possibly separate the munsifs from sub-judges.

As regards the question of Pandit Nanak Chand why it is intended to provide Rs. 5,62,000 when the actuals for the year 1923-24 were only Rs. 5,58,000, I should like to remind him that since the year 1923-24 we have had twenty-seven new munsifs appointed. There being only a difference of Rs. 4,000 between the figures for 1923-24 and those for 1925-26, I really do not think that he can maintain that there has

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been over-budgeting, considering the fact that there are twenty-seven extra officers to pay for.

**Pandit Nanak Chand :** What is the reason for the revised figure being Rs. 5,40,000 when there had been an increase in the cadre of munsifs ?

**Mr. E. A. H. Blunt :** In all probability it was due to the fact that a large number of sessions and subordinate judges and subordinate judges went on leave. As a consequence munsifs were promoted to the posts of sub-judges, and the persons who took the places of the former were junior men, drawing the lowest possible pay. The net result was that the provision for munsifs went down. Or in other words, the higher the figure for sub-judges, the lower the figure for munsifs, or *vice versa*.

**Pandit Nanak Chand :** In the circumstances I wish to withdraw my motion. —

Motion by leave withdrawn.

**Babu Sangam Lal :** I beg to move that the demand of Rs. 2,000 in respect of the item regarding establishment for honorary munsifs at page 51 of the Detailed Estimates, be omitted.

When the Honorary Munsifs Act was passed in 1896, the idea was that paid judges might be relieved of some of their work. In accordance with this policy the number of honorary munsifs has now considerably increased, as appears from the Civil Statements of the High Court of Judicature. In 1921 there was only one bench of honorary munsifs at Allahabad. Now, however, there are a number of honorary benches at Allahabad.

I cannot say whether there has been an increase in other districts of this province, but so far as Allahabad is concerned there, has been an enormous increase. In 1922 we had only one bench of honorary munsifs, now we have two benches of honorary munsifs and one special honorary munsif. Then there is another munsif in Allahabad since last year. It does not appear how the necessity has suddenly arisen that so many persons have been made honorary munsifs. The judge of small cause court has been relieved of much of his duties which he formerly used to perform. He used to perform the duties of munsif also, but by the appointment of a second munsif at Allahabad that work has been transferred to the other munsif. Then, Sir, he does not exercise the powers of a subordinate judge which he used to exercise formerly and the number of cases of a small cause court nature has not increased recently. The number is almost the same. Now, Sir, when the work has not increased, when the judge of the small cause court has been relieved of much of the work by the appointment of an extra munsif, it does not appear how the necessity arose recently for the appointment of these munsifs. I have brought this motion before the House because it causes needless delay and also because it causes needless expense to litigants. The judge of small cause court takes only one or two minutes to decide a case *ex parte* and in a contested case not more than an hour on the average and the litigant has to pay a very small fee to his vakil. But when these cases are transferred to the bench of honorary munsifs of the district what happens. The cases are of a very small nature. Suits valued at below Rs. 200 are transferable.

Now when these cases are transferred to the bench of honorary munsifs in the city, what happens is this that one day is fixed for issues and then we have a date for the final hearing and the result is that the litigant has to engage a lawyer who charges daily fees. In this way the work which the small cause court judge used to do in one minute or two and which cost ordinarily Rs. 2 or 3 or 4 to the litigant causes an expenditure of Rs. 10 or 15 for very small suits and there is needless waste of time. Things have become worse since the appointment of honorary munsifs in the district because cases of very small value are transferred to these munsifs in the district. Cases of the value of Rs. 70 or 80 are transferred, litigants have to call vakils from the headquarters. Ordinarily not less than two days are taken for hearing which means that they have to spend something like Rs. 50 or 60 on one case. That often happens. I have had experience of this only very lately about a fortnight ago. There is no justification for this as I have said if we take into consideration the fact that the judge of small cause court has been relieved of some of this duties. That is a fact. We have got the figures. To the bench of honorary munsifs at Allahabad 311 cases were transferred and only 74 cases out of them were contested. The rest were either compromised or decreed *ex parte*. So these 74 cases could have been disposed of by the judge of small cause court in a very short time. During the last 30 years that the Act has been in force only 31 benches of munsifs were appointed in the whole province, but within one year as many as nine benches of munsifs have been appointed in the district of Allahabad alone. There is a suspicion in the public mind that the powers which this Act confers on the Government and the local officers is being utilized for political purposes. Ordinarily honorary munsifs have been appointed from those persons who have worked in connection with the non-co-operation movement and in Aman Sabhas or from those persons who are likely to be helpful to the Government in the future. I have shown that there is no necessity for them, and I hope the motion will be accepted.

**Mr. J. R. W. Bennett:** I have no special knowledge of the increase in the number of honorary munsifs referred to by Mr. Sangam Lal. These appointments are made on the recommendation of the High Court in all cases and usually the recommendation is accepted as a matter of course. I believe the procedure is that the District Judge consults the district magistrate and then forwards the proposal to the High Court. I cannot say why the additional munsifs referred to were appointed, but we are prepared to make inquiries and consult the High Court in the matter.

Motion by leave withdrawn.

**Pandit Nanak Chand:** I beg to move that the demand of Rs. 4,99,966 in respect of the item regarding establishment at page 51 of the Detailed Estimates be reduced by Rs. 10,000.

If the honourable member will please turn to page 51 of the Detailed Estimates they will find that the budget estimate for the current year was Rs. 5,13,925 and the revised figure is given as Rs. 4,85,000. The budget estimate for the next year is Rs. 4,99,966. I propose that a reduction of Rs. 10,000 be made under this head. Even if this cut is effected, the figure will still be higher than the revised estimate by about Rs. 5,000 and will be considerably higher than the accounts of 1923-24.

[Pandit Nanak Chand.]

In this case, therefore, I hope that the Hon'ble the Finance Member will see his way to accept this reduction, and I hope that Mr. Blunt will not plead the interdependence of one item upon the other, as he has done in the case of previous motions.

**Mr. E. A. H. Blunt:** I do not propose to plead interdependence of one item upon another, but I do propose to plead interdependence of one figure on another. As regards the accounts of 1923-24 I would remind the honourable member that in that year we had not made additions to the cadre. Consequently, the figure was much smaller than it would be in this year. During this year 1924-25 we expected to start all these extra courts and to have them in full working order for eight months in the year. As a matter of fact, we were not able to do so. A certain number of courts did not start till later. That accounts for the fact that the revised figure is much lower than the budget estimate. We now come to the budget estimate for this year. I may first explain to the honourable member that we have now got all these courts working and we have got to provide for them for full twelve months instead of the eight for which we originally provided. Consequently I think that an increase of merely 14 or 15 thousand is not great considering that we have one-third of the pay of the establishment of, I think, 27 courts to pay for in addition to what we have paid for last year. There is one other point that I should like to explain and that is why the budget estimate for 1925-26 is lower than the budget estimate of 1924-25. That is simply due to the game of general post which the Accountant-General is so fond of playing with the figures, by which all apprentices shown here have been transferred to civil and sessions judges.

**Pandit Nanak Chand:** May I know the place here in the budget?

**Mr. E. A. H. Blunt:** Page 49, clerks and apprentices. The honourable member will notice that there is an increase from 758 to 782 while here there is a decrease from 809 to 768. I may assure the honourable member that we calculate these establishment bills, as I may call them, as closely and as carefully as ever we can. If he will come and see the figures that I have before me, with their numerous pluses and minuses I think he will be quite satisfied that when we put down a figure we generally mean it to go as close to the facts as it can possibly go.

Motion negatived.

**Hafiz Hidayat Husain:** I beg to move that the demand of Rs. 3,95,032 in respect of the item regarding process-serving establishment at page 51 of the Detailed Estimates be reduced by Re. 1.

My point in moving this motion is that I want to draw the attention of the Government to the unsatisfactory manner in which the process-serving community behaves itself in the mufassil. A similar motion was put last year when it was elicited that the Government will do all it can to ameliorate their condition. Twelve months have passed, but I do not know what has happened. It will be to the interest of the community itself if a strict watch is kept over these members of the process-serving establishment and any grievances of the public with regard to them are at once noted.

**Mr. J. R. W. Bennett:** It is perfectly true that this question was raised last year and that an undertaking was given to look into the matter. We have looked into the matter—it is a very difficult question

and all I can say is that we should welcome any definite proposals to deal with it. We have not been able ourselves to any clear way of procedure with a view to improving the work of the process-serving staff.

**Pandit Govind Ballabh Pant:** I would say just one word and it is this. There have been a number of items before this and the matter is almost formal. There is also another item relating to servants higher up. These men who have to work, I think, all the time and who are expected to devote the whole of their time to public work are paid at very low rates varying from Rs. 7-8-0 in the case of some of the men in the judicial staff to Rs. 9. May I now request the Government to consider their cases and to make it a rule that these men will get at least Rs. 10.

**Mr. J. R. W. Bennett:** This proposal is one which will probably involve a good deal of expenditure—three lakhs I am told—and it is clear that we cannot take it in hand at present. As soon as the financial position improves, the question will be considered.

Motion by leave withdrawn.

**Pandit Govind Ballabh Pant:** I move that the demand of Rs. 2,14,515 in respect of the item regarding record-room or copy, making establishment at page 51 of the Detailed Estimates be reduced by Rs. 1,000.

I have to make two alternative suggestions in this respect. One is this, that the members of this establishment have ordinarily to devote their life to this work of copying or record-room and they do not receive any pension, bonus or provident fund. There is no reason why they should be treated in an invidious manner. They are entitled to the benefits of public service as much as other members are. The other is this that if the Government cannot find the money for this at once, there is no reason why these persons should not be admitted to other branches of Government service after the age of 25 which may carry pension simply because they have exceeded the age-limit. It is obvious that having joined one branch of Government service before the age of 25 there is certainly no fair play in keeping them out from other pensionable posts simply because they have exceeded their age-limit.

**Mr. Muhammad Aslam Saifi:** I wish most emphatically to support the remarks that have just fallen from Pandit Govind Ballabh Pant. It is in my personal knowledge that many of these poor people who are employed in the copying department of courts of district and sessions judges have been serving for a number of years and yet are deprived of this advantage. In some of the cases which came to my notice they had put in about 18 years' service and yet they were the people, whenever reductions were to be made, first to be reduced. I think it is but right that as soon as finances allow these people should be brought on to the pensionable service.

**Mr. J. R. W. Bennett:** The House was informed a few days ago in answer to a Council question that the Government have decided to make the posts of copyists pensionable as soon as financial provision can be made. We have considered the other proposal that copyists should be allowed to be transferred to other departments after the age of 25, but we have thought it better that the posts should be made

[Mr. J. R. W. Bennett.]

pensionable, and we hope to be able to put that proposal into effect before very long.

**Pandit Govind Ballabh Pant :** I don't understand the other proposition that so long as the posts are not made pensionable will you not allow them to be transferred after the age of 25 to other departments ?

**Mr. J. R. W. Bennett :** We propose to do nothing till the posts are made pensionable.

**Pandit Govind Ballabh Pant :** Can you give any idea how long it will be ?

**Mr. J. R. W. Bennett :** I can give no idea.

**The Hon'ble Mr. S. P. O'Donnell :** It will not be very long.

**Pandit Govind Ballabh Pant :** Before this year is out ?

**The Hon'ble Mr. S. P. O'Donnell :** I could not give such an undertaking.

Motion by leave withdrawn.

**Mr. Mukandi Lal :** I move that the demand of Rs. 1,05,000 in respect of the item regarding lump provision for additional temporary courts at page 49 of the Detailed Estimates be omitted.

You will be quite surprised why I have asked for the omission of this. It is because Government had omitted it in the last two or three years. It is a new item and I do not know how it came there, unless Government fears there is likely to be a great necessity for new courts. May I put a few questions to Government and ask them whether this new lump sum is in view of the fact that Government has decided to affiliate Kumaun to the High Court and that they want to introduce new civil courts in Kumaun, or whether it is because they want to hold sessions cases in Garhwal, that they have made this new demand. I hope Government will be able to supply information on these points.

**Mr. J. R. W. Bennett :** I must inform the honourable member in the first place that the item of Rs. 1,05,000 has, I am afraid, nothing to do with bringing Kumaun under the High Court. He has suggested that it is entirely a new item. This is entirely correct. If he will look at the budget estimates for 1924-25 under the head leave reserve and additional judges he will find an item of Rs. 45,000 odd. There is no such item for the budget of 1925-26. Further, lower down the page there is Rs. 29,419 for establishment for additional judges. That item also is not repeated in the budget for 1925-26. The total of all these two items comes to Rs. 74,000 odd, and it will thus be seen that we propose an increase in the budget of only about Rs. 30,000. This income indicates a change in the procedure. Hitherto we have budgeted at the beginning of the year for additional courts on the basis of the number of additional courts in existence or foreseen at the beginning of the year. During the course of the year we have invariably had to create a large number of additional courts, usually district and sessions judges or purely sessions judges, at the request of the High Court or Judicial Commissioner, in districts where criminal

work is specially heavy. There have been an extremely large number of such cases during the past year, for instance in Saharanpur, Gorakhpur, Shahjahanpur, Allahabad, Aligarh and other places. To finance these additional courts we have always come to the Council towards the close of the year with a supplementary estimate, and the supplementary estimate which was presented to the Council about a month ago included provision for the additional courts which have been sanctioned during the year. I am told that the actual amount included in that supplementary estimate for these additional courts was Rs. 84,000. We thought that procedure was objectionable and that it would be better to make provision at the beginning of the year for the additional courts which would probably have to be created during the course of the year. We have based our calculations on the average cost of additional courts in the preceding three years, although I think I am right in saying that the actual figure of Rs. 1,05,000 is somewhat below the average of the previous three years. My impression is that a large figure was put down but the Finance department thought that this amount would be enough. At all events we are only asking for about Rs. 30,000 for extra courts in addition to the amount previously provided and that Rs. 30,000 will barely be sufficient, I think, to cover the cost of the additional courts that will probably have to be created.

**Mr. Mukandi Lal :** The explanation that has been given by the Government bring one fact to our notice that there is actually an extra demand of Rs. 30,000 and therefore instead of asking for the omission of the total demand I move that Rs. 30,000 may be omitted.

**The Hon'ble the President :** The honourable member cannot move an amendment to his own motion.

**Mr. E. A. H. Blunt :** I may also point out to the honourable member that Mr. Bennett did not give all the details. If he will look at other pages of the budget—I do not want to waste the time of the Council by going through every page—he will find that there are amounts which will have to be added, such as contingencies for extra courts, and movable courts, additional subordinate judges, additional—all sorts of things. So the sum was considerably larger than Rs. 70,000. To this has also to be added Rs. 84,000 obtained by supplementary estimate, so that instead of an increase of Rs. 30,000 there is a decrease of something like half a lakh.

Motion negatived.

**The Hon'ble the President :** What is this reduction of Rs. 50,000?

**Lala Mathura Prasad Mehrotra :** It refers to lump provision for the temporary courts on page 30 of the memorandum.

**The Hon'ble the President :** It is a pity that the honourable member did not tell us what it was because we have had a fairly full discussion on the subject. Does the honourable member wish to move his motion?

**Lala Mathura Prasad Mehrotra :** Yes, Sir.

**The Hon'ble the President :** Is it to reduce Rs. 50,000 in the provision for additional temporary courts?

**Lala Mathura Prasad Mehrotra :** Yes, Sir.

I beg to move, Sir, that the demand of Rs. 50,50,800 in respect of the item regarding 24—Administration of Justice—Civil and Sessions Courts at page 49 of the Detailed Estimates be reduced by Rs. 50,000.

[Lala Mathura Prasad Mehrotra.]

Sir, if we look to the memorandum of the budget estimates on page 35 we find that there is an increment of Rs. 1,42,000 between the estimates of 1924-25 and those of 1925-26 in civil and sessions courts. Out of this sum of Rs. 1,52,000 a sum of Rs. 1,05,000 has been put down for temporary courts. Then, Sir, at page 36 of the memorandum it is written :—" In 1924-25 the allotment was 80, so that there is an increase of Rs. 25." From this we find that in this year's budget there is an increase of only Rs. 25,000 over and above, the last year's which had a special case. We had a number of cases last year, as has been stated by Mr. Bennett, at Saharanpur, Aligarh, Gorakhpur, Shahjahanpur and other places. There were also the Imperial Bank fraud case and the Saharanpur riot cases. So a number of special courts were required. Even then the allotment was put down at Rs. 80,000. But this year over and above that allotment there is this sum. Therefore the sum of Rs. 50,000 consists of Rs. 25,000 for this year and Rs. 25,000 for the reduction of last year's budget. Besides this, Sir, we are going to have a chief court which will have original jurisdiction; so we will be relieved of the expenses of one court. With these considerations, I hope Government will accept the motion this year when there is a huge deficit and financial stringency.

**Mr. E. A. H. Blunt :** Sir, it is a case of saying the same thing over again. The figure was Rs. 80,000 last year; there was a supplementary estimate for another Rs. 84,000 making a total of Rs. 1,64,000. Consequently, there has not been an increase over that figure, but a reduction of Rs. 61,000.

Another thing, which I would like to tell Mr. Mehrotra—I hope it will cause him to cheer up—is this. I have mentioned two or three times already, that we are going to resume a sum which approximates to half a lakh from the pay of civil and sessions judges; and I repeat that again. It is all the more pointed in this particular case because the error which is causing us to do, it is the fact that we allowed for certain civil and sessions judges not only in their proper places, but also in the temporary allotment. Consequently, I have already reduced this grant by half a lakh.

Motion negatived.

**Babu Mohan Lal Saksena :** wanted to know whether he could not move his motion No. 61 now.

**The Hon'ble the President :** We have gone item by item through this particular sub-head. If there is going to be a lump reduction we should know beforehand to what item that motion relates. We have gone through each item cutting here and there under this sub-head. Now there is to be another cut under the same sub-head. That is irregular. If there is to be a cut at the end, that is another matter; that would be reducing the whole grant. I think this sort of thing is not contemplated.

There is a motion by Chaudhri Badan Singh.

**Chaudhri Badan Singh :** I rise to move that the demand of Rs. 43,99,200 in respect of the items regarding civil and sessions courts at page 49 of the Detailed Estimates be reduced by Rs. 100.



The other day this Council has resolved that a committee be appointed to prevent corruption and abuses in public servants. But I regret to find that that modest resolution has not yet been brought into force. This system of justice from top to bottom is full of abuses and corruption.

**The Hon'ble the President :** Were these district committees intended for the judicial administration of the districts ?

**Chaudhri Badan Singh :** Yes, for putting down corruption. I only want that such sort of corruption and abuses should at once be extinguished.

**Pandit Govind Ballabh Pant :** This is a discussion on the whole policy and I only want to put a question to the Government relating to Kumaun. I should like to know what recommendations the Government have made to the High Court, whether they are going to introduce the Greeven Committee's scheme or not.

**The Hon'ble the President :** What is the connection ?

**Pandit Govind Ballabh Pant :** The motion is that Rs. 100 be deducted from the allotment for civil and sessions courts. The mover may have confined himself to certain particular items. But a general motion entitles everybody to refer to other things. I want to know what is the exact nature of the recommendations that have been made. The matter has been pending for about 14 years and I want to know why Government has not taken any action.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** We have made no recommendation. We have asked the High Court to recommend.

**The Hon'ble the President :** Does the honourable member wish to press his motion ?

**Chaudhri Badan Singh :** Yes, Sir.

Motion negatived.

The Council was then adjourned to the following day.



# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Tuesday, 17th March, 1925.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

## PRESENT :

The Hon'ble Mr S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr E A. H. Blunt  
Kunwar Jagdish Prasad.  
Mr. G B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr B. J. K. Hallowes.  
Mr C M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown  
Colonel A. W. R. Cochrane  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad E'jaz Rasul Khan.  
Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Jai Narayan Chaudhri.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Shib Narayan Singh.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Bahadur Pandit Kharagjit Misra.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.

Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande  
Lieut Raja Durga Narayan Singh.  
Lieut Raja Bahadur Hukum Tej Pratap  
Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Persidh Narayan Anad.  
Pandit Yajna Narayan Upadhy.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Baijnath Misra.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal  
Babu Ram Chandra Sinha.  
Dr. Jikaran Nath Misra.  
Kunwar Rajendra Singh.  
Rai Bahadur Thakur Masbal Singh.  
Babu Sita Ram.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Naim Ansari.  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Lieut. Nawab Jamshed Ali Khan  
Maulvi Obaid-ur-Rahman Khan.  
Hafiz Hidayat Husain.  
Khan Bahadur Shaikh Masud-uz Zaman.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain  
Khan Bahadur Maulvi Fasih-ud din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf.  
Mr. St. George H. S. Jackson.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.  
Dr. Ganesh Prasad.

## QUESTIONS AND ANSWERS.

**STARRED QUESTIONS.**

## GRANTS FOR THE EDUCATION OF DEPRESSED CLASSES.

\*2. **Pandit Bhagwat Narayan Bhargava:** (1) How much grant does the Government give for the education of the depressed classes in each district?

(2) Will the Government be pleased to give the population of depressed classes in each district?

**The Hon'ble Rai Rajeshwar Bali:** (1) Specific grants are not given to district boards for the education of the depressed classes, but, under the present three years' contract, the boards are required to make provision for a minimum expenditure, prescribed by Government, on the education of the depressed classes. The minimum expenditure prescribed is given in column 2 of the statement laid on the honourable member's table.

(2) The information is not available and its collection will involve an amount of labour which will be out of proportion to its value.

*A.—Statement showing the minimum expenditure laid down by Government for expenditure by district boards on the education of the depressed classes.*

District.	Amount.	District.	Amount.
	Rs.		Rs.
Dehra Dun .. ..	600	Baneres .. ..	3,900
Saharanpur .. ..	500	Mirzapur .. ..	500
Muzaffarnagar .. ..	2,600	Jaunpur .. ..	3,300
Meerut .. ..	11,100	Ghazipur .. ..	500
Bulandshahr .. ..	1,300	Ballia .. ..	2,400
Total, Meerut division ..	16,100	Total, Baneres division ..	10,600
Aligarh .. ..	1,900	Gorakhpur .. ..	4,400
Muttra .. ..	1,700	Basti .. ..	2,600
Agra .. ..	2,600	Azamgarh .. ..	3,400
Mainpuri .. ..	2,000	Total, Gorakhpur division ..	10,400
Etah .. ..	4,700	Naini Tal .. ..	2,100
Total, Agra division ..	12,900	Almora .. ..	3,900
Bareilly .. ..	3,100	Garhwal .. ..	700
Bijnor .. ..	1,900	Total, Kumaun division ..	6,700
Budaun .. ..	1,700	Lucknow .. ..	3,500
Moradabad .. ..	3,900	Unao .. ..	2,000
Shahjahanpur .. ..	1,400	Rae Bareilly .. ..	2,800
Pilibhit .. ..	2,200	Sitapur .. ..	3,700
Total, Rohilkhand division ..	14,200	Hardoi .. ..	3,100
Farrukhabad .. ..	3,500	Kheri .. ..	1,700
Etawah .. ..	2,500	Total, Lucknow division ..	16,300
Cawnpore .. ..	2,300	Fyzabad .. ..	2,000
Fatehpur .. ..	1,800	Gonda .. ..	1,800
Allahabad .. ..	6,100	Bahraich .. ..	500
Total, Allahabad division ..	16,200	Sultanpur .. ..	2,000
Banda .. ..	500	Partabgarh .. ..	2,400
Hamirpur .. ..	2,200	Bara Banki .. ..	1,700
Jhansi .. ..	1,600	Total, Fyzabad division ..	9,900
Jalaun .. ..	2,000	GRAND TOTAL .. ..	1,19,600
Total, Jhansi division ..	6,300		

HINDU PATHSHALA COMMITTEES.

**\*4. Pandit Bhagwat Narayan Bhargava :** Has the Government received a resolution from the District Board conference convened by the Governor acting with his Ministers requesting that Hindu *pathshala* committees should be established in each district and supervisors appointed for such *pathshalas* ? If so, what action has the Government taken on it ?

**The Hon'ble Rai Rajeshwar Bali :** The answer to the first part of the question is in the negative. The second part of the question does not arise.

**Lala Mathura Prasad Mehrotra :** Will the Government be pleased to consider their case in future ?

**The Hon'ble the President :** That is merely a suggestion, not a question.

DRILL IN SCHOOLS.

**\*7. Pandit Yajna Narayan Upadhyia :** In how many schools have retired military officers been employed for training the boys in drill ?

**The Hon'ble Rai Rajeshwar Bali :** The information is not available, but if the honourable member will state the period and schools for which the information is desired, an endeavour will be made to supply it.

INDIAN GAMES IN SCHOOLS.

**\*8. Pandit Yajna Narayan Upadhyia :** (1) Is it a fact that the principals of intermediate colleges and the head masters of Government and aided high schools are not permitted to spend a portion of the games collection in organizing Indian games in their institutions ?

(2) Is it a fact that some head masters who spent some money out of the games fund in organizing Indian games were handled severely by the divisional inspectors ?

**The Hon'ble Rai Rajeshwar Bali :** (1) No.

(2) Government have no reason to believe that the facts are as stated in the question, but if the honourable member will refer to any particular case, inquiries will be made.

JUNIOR TRAINED UNDERGRADUATE TEACHERS.

**\*9. Pandit Yajna Narayan Upadhyia :** How many junior trained undergraduate teachers have been taken in the selection grade of Rs. 150—10—200 and how many have been detained in the year 1924 ? Will the Government state the number of teachers detained in 1924 ?

**The Hon'ble Rai Rajeshwar Bali :** The answer to the three parts of the question is "nil," as the question of promotion or detention did not arise in 1924.

PRIMARY EDUCATION.

**\*13. Pandit Yajna Narayan Upadhyia :** (1) Will the Government be pleased to state what amount was spent in deputing the Deputy Director of Public Instruction in connection with the primary education inquiry by way of salary of the officer, his travelling allowance and

office establishment? How many months were spent in this inquiry? Will the Government lay on the table a districtwise statement of the non-officials consulted in this inquiry?

(2) What amount was spent in the experiment of organizing the accounts branch of the Director of Public Instruction's office in 1924? How far was the experiment successful?

**The Hon'ble Rai Rajeshwar Bali:** (1) Rs. 11,213. Five months and twenty-nine days. Consultations were informal and no record is available.

(2) Rupees 9,686-9-0. It is too early to say.

**Mr. Muhammad Aslam Saifi:** Will the Hon'ble Minister be pleased to give the figure for travelling allowance separately?

**The Hon'ble Rai Rajeshwar Bali:** I ask for notice.

#### SPECIAL MAGISTRATES.

\*14. **Pandit Yajna Narayan Upadhyaya:** Will the Government lay on the table a statement showing the names of persons who have been appointed special magistrates with powers to exercise magisterial functions within their zamindari?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** The list required could not be compiled without inquiring from every district. Government cannot undertake this.

#### HINDI IN GOVERNMENT SANSKRIT COLLEGE, BENARES.

\*15. **Pandit Yajna Narayan Upadhyaya:** (1) Is it a fact that no arrangement for teaching Hindi is made in the Government Sanskrit College, Benares, but students are examined in that subject?

(2) Will the Government be pleased to state the number of candidates who appeared in the last Sanskrit College examination, Benares, and the amount of examination fee realized?

**The Hon'ble Rai Rajeshwar Bali:** (1) The reply to the first part of the question is in the affirmative and to the second in the negative.

(2) 4,931 candidates. Rs. 14,441.

#### GRANTS-IN-AID TO SANSKRIT PATHSHALAS.

\*16. **Pandit Yajna Narayan Upadhyaya:** Will the Government be pleased to state the principal on which the grant-in-aid is given to Sanskrit *pathshalas*? Is it a fact that no grant is given to any Sanskrit *pathshalas* of Benares?

**The Hon'ble Rai Rajeshwar Bali:** As regards the first part of the question the honourable member is referred to paragraph 396A of the Educational Code. As regards the second part of the question the answer is in the affirmative.

#### VALUE OF PURCHASES MADE BY GOVERNMENT.

\*17. **Pandit Govind Ballabh Pant:** Will the Government be pleased to state what was the total value of the purchases made annually by or on behalf of the United Provinces Government (a) in the United Provinces, (b) in the rest of India, (c) in Great Britain, (d) in South

Africa, (e) in Canada, Australia and New Zealand, and (f) in other countries during the last four years ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** (a) and (b) Separate figures for the United Provinces are not available. The value of stores manufactured in India and purchased by this Government in the three years for which figures are available is—

Rupees 7,39,042 in 1920-21.

„ 11,44,790 in 1921-22.

„ 16,99,830 in 1922-23.

(c), (d), (e) and (f) Separate figures for each country are not available. Imported stores were purchased in the following quantities :—

Rs.

1920-21	...	...	25,79,000	Plus an amount for stores purchased direct. The figures are not available as there was no separate appropriation in that year for expenditure in England.
1921-22	...	...	41,88,200	
1922-23	...	...	33,84,200	
1923-24	...	...	17,77,605	

For 1925-26 budget provision of only Rs. 64,000 has been made for purchase of imported stores through the High Commissioner, the decline being due to the absence of demand for machinery for the Sarda canal.

**Babu Bhagwati Sahai Bedar :** What is the policy of the Government regarding these purchases ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The policy of the Government regarding these purchases is that as far as possible if we can get the same thing in India we always give preference to it. If it is not available in India, we have to purchase from foreign countries.

**Mr. Mukandi Lal :** Are all these articles purchased in foreign countries not available in India ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** They may be. I am not sure.

**Mr. Mukandi Lal :** Did the Government make any inquiries before putting orders on foreign markets as to whether these were available in India ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** There are definite rules that if they can be found in India, Indian material must be given preference

**Mr. Mukandi Lal :** Were they purchased through the Indian Stores department or the Local Purchase department or some other agency ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** They are purchased through the Local Purchase department.

**UNSTARRED QUESTIONS****NEW PENSION RULES.**

**4. Maulvi Shahab-ud-din:** Will the Government be pleased to state—

(a) Have the new pension rules been framed in draft as pointed out in G. O. No. A-5631/X-534, dated the 29th December, 1921, paragraphs 2 and 7? Were the United Provinces Government consulted and have they given their opinion?

(b) When are the rules expected to come into force?

**Mr. E. A. H. Blunt:** (a) New pension rules have not been framed. The Local Government was consulted on the draft of revised rules, and gave its opinion.

(b) There is no information

**INDEBTEDNESS OF AGRICULTURIST LANDHOLDERS.**

**5. Maulvi Shahab-ud-din:** Will the Government be pleased to state—

(a) the extent of indebtedness prevailing among the landholders belonging to agriculturist tribes;

(b) the amount of land that has passed away from their hands in consequence of such indebtedness;

(c) are the landholders in favour of an Act being passed preventing sales in execution of decrees and otherwise limiting transfers with a view to afford protection from indebtedness?

**Mr. C. E. D. Peters:** (a) and (b) Government have no detailed information.

(c) The honourable member is referred to the debate on the 25th of October, 1922 on the resolution moved by him recommending that restriction be imposed on the transfer of land belonging to agricultural tribes which was rejected by the Council. Government have no later information.

**THE BUDGET, 1925-26.****DISCUSSION OF DEMANDS FOR GRANTS.****Demand No. 1.****HEAD 24—ADMINISTRATION OF JUSTICE.**

**Rai Bahadur Thakur Hanuman Singh:** I beg to move that the demand of Rs. 62,040 in respect of the item regarding the salaries of subordinate judges at page 52 of the Detailed Estimates be reduced by Rs. 10,000.

Sir, the increase in the demand appears to be due to the proposed establishment of a court of a small cause court judge at Bareilly. I cannot say that the said court is not wanted there, but at the same time I can say that it can be established at a less cost than that provided in the budget. Also I find that there is a great increase in the number of



courts in spite of the increase in the cadre of subordinate judges. During the current year I find that there is an increase of four judges and then there is a lump provision in the budget of Rs. 1,05,000 for temporary courts. If these courts are to multiply in number at such a rapid rate, then I think a very large amount of the provincial finances will be absorbed by them. The Government in their memorandum has said that the establishment of the Chief Court is in accordance with the reorganization scheme. It is in the power of the Government to keep that scheme partly or wholly in abeyance. There was some ten or twelve years ago a scheme of reorganization, and at that time the Government did not give effect to the recommendations wholly in which certain districts were recommended for judgeships, subordinate judgeships and other courts. But those districts were not for a long time given a subordinate judgeship or other courts and I doubt whether all of them up till now have been given. There was the other day a discussion in the Council for the establishment of a court of district judge at Basti. I think, if I remember right, that that recommendation of establishing a judge's court at Basti was contained in that scheme. In the same way Ballia was recommended for a subordinate judgeship, but it was not given one for a very long time. So I do not think when there is a stringency of finances there can be any very urgent need for the establishment of a small cause court at Bareilly. If there is a very great demand for it, then it may be established at a less cost than that provided in the budget. There must be a subordinate judge there who is doing the work which the small cause court judge will have to do. Civil work will be much less, for a subordinate judge will be stationed at Bareilly in addition to the small cause court judge and this subordinate judge may be of a lower grade. Then in that case the cost will decrease.

**Mr J. R. W. Bennett :** The honourable mover has mixed up several subjects in speaking on the motion for reduction under the head of courts of small causes. The increase of roughly Rs. 10,000 under this head is mainly due to the fact that an additional small cause court has been created at Bareilly. He has also referred to the general increase in the judicial cadre, namely, ten subordinate judges. The pay of these judges is worked out in accordance with definite rules and we cannot alter them. As regards the creation of the court of small causes at Bareilly, this is in accordance with the recommendations of the High Court. I see no reason to suspect that this recommendation was not based on sound reasons. He has also referred to the fact that we are making a lump provision for temporary courts amounting to Rs. 1,05,000, as well as making provision for a very considerable increase in the cadre. As regards this, I would point out that the increase in the cadre is for subordinate judges and munsifs, that is to say, for civil work; whereas the lump provision for additional temporary courts is almost entirely for criminal work.

**Rai Bahadur Thakur Hanuman Singh :** There is an increase in the cadre of judges also.

**Mr. J. R. W. Bennett :** I believe that during the past year the amount actually expended under the head of Courts of Small Causes has been higher than the revised estimates, and that part of the recent supplementary estimates voted by the Council came under this head. Therefore I see no reason to think that the addition of Rs. 10,000 in the budget for 1925-26 is at all excessive.

**Mr. E. A. H. Blunt :** Repetition is as wearisome to the person who has to make the statements as to those who must listen. At the risk of wearying the Council, I must for the information of Thakur Hanuman Singh repeat once more what I said yesterday. I said that we were making a cut in the salaries of judges both voted and non-voted and we were doing so because by mistake they had been included in two places. So that at once disposes of four extra judges, and of the point in question.

Motion by leave withdrawn.

**Pandit Nanak Chand :** I beg to move that the demand of Rs. 21,048 in respect of the item regarding process-serving establishment at page 52 of the Detailed Estimates be reduced by Rs. 7,000.

If the honourable members will kindly turn to page 52 of the Detailed Estimates they will find that under the head "Process-serving establishment" the totals given are—actuals for 1923-24 Rs. 10,341 and the revised estimates for the current year Rs. 13,000. The budget figure for the next year is Rs. 21,048. I think, Sir, that the Financial Secretary will not find any difficulty in accepting this reduction, and I further hope that in view of my having proved less troublesome and less inquisitive with regard to my motion No. 52 which I did not move yesterday he will give me another prize of Rs. 2,000.

**Mr. E. A. H. Blunt :** I have been into these figures with considerable care. I have examined the actuals under this head since 1921-22. The budget figure has always been somewhere in the neighbourhood of Rs. 18,000 or Rs. 19,000. I may also mention that it has risen on this occasion because of the new Bareilly court. At the same time I find that on no occasion whatever has more than Rs. 12,000 to Rs. 13,000 been spent. These bailiffs, nazirs, servants and process-servers are all permanent servants. So one would expect that here at all events the actuals should correspond closely with the budget figures. But they do not. I therefore suspect that there has been a misclassification somewhere. It seems possible that the Accountant-General's office has here done something silly. At all events what I propose to do is to accept this reduction on behalf of the Government, and then to find out what has happened to these men. If we find that we cannot do without the money, we will come to the Council and ask them to restore the grant.

Motion agreed to.

**Pandit Govind Ballabh Pant :** I move that the demand of Rs. 1,900 in respect of the item regarding criminal courts at page 52 of the Detailed Estimates be reduced by Rs. 500.

Honourable members will have noticed that the figure here has turned from straight to slanting, and that is why I have given notice of this motion. At the same time I wish to ask for information on two points.

The first point is that the post of city magistrate is not statutorily reserved for members of the Indian Civil Service, and indeed it is one of those ordinary posts which in every district is held by a junior officer belonging to the executive service. Besides, at present we understand there is a dearth of Indian Civil Service officers. Taking all these circumstances into account I would urge the Government to transfer this post permanently to the provincial executive cadre.

The second point is that there is no reason why duty allowance of Rs. 100 per mensem should be attached to the post of the city magistrate at Lucknow, when officers holding the same post in places like Allahabad and Cawnpore, where prices are much higher than they are in Lucknow, do not get any such allowance.

There is a further point to which I should like to refer incidentally, and it is this that the duty allowance should not be non-votable. It is an allowance attached to the post, and not a personal allowance given to the officer who holds it.

Moreover, the post is not reserved under the law for members of the Indian Civil Service, and so there is no reason why the allowance should be non-votable and the Council may not be allowed the opportunity to express its opinion on it.

**Mr. Zahur Ahmad:** The object of my motion, which has since been disallowed by the Hon'ble the President on account of certain technical difficulties, was to invite the attention of the Hon'ble the Home Member and the Council regarding certain flagrant breaches of the law and procedure. I shall therefore take this opportunity of expressing my views on the subject while speaking on the present motion.

Under-trial prisoners in capital and dacoity cases, and specially in cases connected with communal riots, are brought to the court on foot under hand-cuffs and fetters from the jail premises. The result is that blood oozes out of their body, and they are put to a great trouble. When, however, this matter was brought to the notice of the district authorities, we were told that no other adequate arrangements could be made for the purpose.

Another point to which I should like to invite the attention of the Hon'ble the Home Member is the fact that the cases which are filed by the municipal board are generally sent for trial to honorary magistrates who are also municipal commissioners. I have seen such cases tried by those honorary magistrates who are also municipal commissioners. This procedure only means that the municipal commissioners who are themselves complainants in their capacity of municipal members sit on judgment as judges on such cases in which their boards are complainants. Then my second point . . . .

**The Hon'ble Mr. S. P. O'Donnell:** I rise to a point of order, Sir. I understood that the original motion moved related to the City Magistrate at Lucknow. If that is so . . . .

**The Hon'ble the President:** The actual motion before the House relates to the city magistrate at Lucknow. The honourable member will get an opportunity of dealing with questions of general importance when we come to discuss the remaining two motions on the paper, that is the motions concerning General Administration.

**Mr. Zahur Ahmad:** I thought that the motion before the House concerned criminal courts in general.

**The Hon'ble the President:** The remarks that have been made do not concern the actual demand before the House. There is no question about that.

**Mr. Zahur Ahmad:** They relate to city magistrates of certain districts.

**Mr. E. A. H. Blunt :** May I point out, Sir, that the city magistrates of other places except Lucknow will be found under the head District Administration.

**The Hon'ble the President :** When we come to the motion on General Administration we can deal with the general question.

**Mr. Zahur Ahmad :** I bow to your decision, Sir, and I will take my chance when next item comes for discussion.

**The Hon'ble Mr. S. P. O'Donnell :** The post of the city magistrate of Lucknow is not reserved for the Indian Civil Service and, as a matter of fact, it has frequently been held by deputy collectors. It was so held from 1922 to 1924. It is shown as non-voted because the present incumbent happens to be an Indian Civil Service Officer, but the duty allowance is not confined to officers of the Indian Civil Service. It is given to whatever officer holding it whether he belongs to the Indian Civil Service or to the Provincial Civil Service. The duty allowance has always been given in view of the fact that it is a very responsible post and the city of Lucknow is an expensive place. It is a very old allowance and it is a reasonable one. It is not intended to confine the appointment to an Indian Civil Service Officer. It is equally given to the Provincial Service Officer.

**Pandit Govind Ballabh Pant :** All that has been said has been known to us. What I suggested was that the post should form part of the provincial cadre and should not be open to members of the Indian Civil Service. The other point was that the duty allowance should cease in the case of every incumbent of this post, whether he be a Provincial Civil Service Officer or an Indian Civil Service man.

**The Hon'ble Mr. S. P. O'Donnell :** I think there is a mistake about the suggestion that it should be reserved for the Provincial Civil Service. The point is this that there are a certain number of junior posts in the Indian Civil Service. Junior officers are recruited; they are trained and later on they become magistrates and collectors or district and sessions judges. These junior officers have got to be posted as joint magistrates in any station in the province, in any district in the province, and there is no reason why junior officers of the Indian Civil Service should be prohibited from being the joint magistrate in Lucknow. Certainly this seems to me an extraordinary proposition.

Motion negatived.

**Rai Jagdish Prasad Sahib :** Can I raise the point just referred to by Mr. Zahur Ahmad as regards the trial of municipal cases by honorary magistrates who are also members of municipal boards?

**The Hon'ble the President :** Yes, I think so.

**Rai Jagdish Prasad Sahib :** I move that the demand 24-G—Administration of Justice—Criminal courts be reduced by Re. 1.

My object in bringing this motion before this House is that cases in which municipal boards are complainants should not go to the courts of such honorary magistrates as are also members of those boards, because in such cases the accused do not expect justice at the hands of those honorary magistrates, as they being members of the municipal boards are indirectly interested in such proceedings. Then, Sir, at the time of municipal elections the voters residing within municipalities feel afraid that if they do not vote for a certain

candidate who is an honorary magistrate, it is likely that if their cases go to that honorary magistrate he will treat them harshly. I do not mean to cast aspersions on the veracity of any honorary magistrate, but these are hard facts which I desire to bring to the notice of the Government. My suggestion therefore is that cases in which municipal boards are the complainants should not be sent for trial to the honorary magistrates who happen to be members of those municipal boards.

**Mr. Zahur Ahmad:** My honourable friend Rai Jagdish Prasad Sahib has already mentioned one of the points I wanted to make out in this connection, namely, that such honorary magistrates who are members of the municipal boards should not try the cases in which the municipal boards of which they are the members are complainants, that is, encroachment cases and cases of disobedience of municipal byelaws. There is another point which really concerns this very question. It is this. There are a number of honorary magistrates who are also municipal commissioners or who are mostly defeated candidates at municipal elections, their defeat being due to their unpopularity. The Government of course in order to please and patronize them makes them honorary magistrates on certain occasions and they are often given jurisdiction over those very constituencies in which they were defeated, and the consequences of such a course are obvious. I submit, therefore, that Hon'ble the Home Member may be pleased to issue instructions to city magistrates and district magistrates that such honorary magistrates as had stood for election from certain constituencies should not be given jurisdiction to try cases coming from those constituencies.

Then, Sir, the second point I want to make out is really very important, and that is in connection with cases under section 110, Criminal Procedure Code. What happens in these cases is that when a person is asked to give surety bonds and when he somehow or other manages to get sureties, the surety bonds are filed before the sub-divisional officer, usually verified by respectable pleaders and vakils or accompanied by income-tax receipts, receipts of Government revenue or deeds of house or landed properties. But the result is that neither the verification of respectable pleaders and vakils nor all these receipts and deeds are accepted by the sub-divisional officer as sufficient, but the poor man is sent to jail for 15 or 20 days for the simple reason that the verification ought to be made either by the police inspector or sub-inspector or such other persons. My honourable friend Khan Bahadur Maulvi Fasih-ud-din will bear me out in respect of a very important case which happened in Budaun very recently in which a gentleman, a typist, was actually ordered to file a surety bond. He filed a surety bond verified by very respectable persons along with the income-tax receipt. Some of the respectable persons of that locality went to the magistrate and spoke to him that the persons who have stood sureties are respectable, but the magistrate said that he was very sorry that he could not displease the city inspector and had to send the man to jail for fifteen days before the bond was verified. Besides persons standing sureties are often shadowed by police and their names entered in police registers. This sort of thing is very unfortunate, and I most humbly submit that the Hon'ble the Home Member will see that these things are not repeated because section 110, Criminal Procedure Code, is preventive and not punitive. This procedure also entails a burden on jails when such men have to be fed free of cost.

[Mr. Zahur Ahmad.]

The same is the case with under-trial prisoners. I mentioned in my first speech that hundreds of under-trial prisoners in dacoity cases and in capital cases arising of cases of communal riots are brought on foot in fetters and hand-cuffs from jail premises to court. When applications are made, it is said that there was no arrangement to carry them. I hope that in cases like these the Hon'ble the Home Member will be pleased to see that such things are not repeated any further.

**Mr. Mukandi Lal:** I move that the entire demand of Rs. 55,88,000 in respect of the item regarding 24—Administration of Justice at page 46 of the Detailed Estimates be reduced by Rs. 99.

Well, Sir, the figure 99 is a mystic figure, as they say in our common parlance "*ninanwe ke pher men pargaya*", that is to say, it is a sort of camouflage, and really it is a token reduction just in the same way as one for Rs. 100 or Re. 1. I desire to utilize this opportunity of bringing to the notice of this House certain glaring defects in the administration of justice that prevail in these provinces. Before I do so I would like to remind you, Sir, that the primary duty of the State is the administration of justice. The State has come into being for the administration of justice. We know that there was a time according to various political writers when men were cutting one another's throat. Hobbes and Rousseau propounded the theory of social contract: I myself believe in this theory. According to our Indian tradition there is a theory called *Matsyanyay*. According to that they presume that there was a time when men were eating one another just as the fishes do in the sea, the bigger fish eating up the smaller. That exactly corresponds with Hobbes' theory, disclosed in the *Leviathan*. What Rousseau says is this: People agreed that they must be bound by the general will, that is to say, people agreed to be bound by the rule of law. This is the origin of law courts and the duties of the king. The primary duty of the king is to administer justice because the state and the society have come into being for the sake of being bound by law and rule, so that nobody takes the property of others and there are no riots, there are no murders, no thefts, etc., etc. For the sake of those acts we have agreed to be bound by law and give up part of our liberty.

What we find in this country is that we have amalgamated the executive and judicial offices in one and the same person—I am referring to the combination of judicial and executive functions. That is a system that I am not condemning only today, but it was condemned in 1793 by Lord Cornwallis. In 1838 it was condemned by Sir Fredric Halliday, the first Lieutenant-Governor of Bengal. In 1860 it was condemned by the Police Commission; in 1890 it was condemned by Lord Hobhouse, who was himself the Law Member from 1872 to 1877. Not only that, but the memorial, which was presented to the Secretary of State for India by Lord Hobhouse in that connection, was signed by three ex-Chief Justices (two of them of the Calcutta High Court and one of Ceylon), two judges of the Calcutta High Court, one very eminent Bombay Presidency civilian, Sir William Wedderburn, one Secretary to the Government of Bengal, Mr. Reynolds, and a very prominent lawyer, not an Indian but an English lawyer—Sir Roland Wilson. After that we find that from 1886 onwards the Congress, in season and out of season, has been condemning this union of judicial and executive year after year. Not

only that but even from the Imperial Legislative Council in 1906, Sir Harvey Adamson, the then Home Member, condemned this system and said that the Government was prepared to introduce the separation of judicial and executive functions and that a beginning was to be made in Bengal; but that has not so far been effected. In this very Council resolutions have been moved year after year. In the life of this very Council from 1923 we have moved resolution twice and yet we have not got this reform. I have pointed out it is not only the opinion of Indians but that this opinion has been shared by prominent British administrators in this country. I would just quote the opinion of Sir Frederic Halliday which was expressed so long ago as 1838. He said: "The evil which this system produces is twofold. It affects the fair distribution of justice and it impairs at the same time the efficiency of the police. The union of magistrate with collector has been stigmatized as incompatible, but the fusion of the thief-catcher with judge is surely more anomalous in theory and more mischievous in practice. So long as it lasts the public confidence in our great tribunals must always be liable to injury and the authority of justice itself must often be abused and misapplied." Then again he says: "I consider it then an indispensable preliminary to the improvement of our system that the duties of preventing crime and apprehending and prosecuting offenders should without delay be separated from the judicial functions." I would not give you more quotations, but the evils of this combination were given in a list in that memorial of 1890 by Lord Hobhouse, three Chief Justices, two judges and others. Firstly, they said that it violates the first principle of equity. Secondly, they said that the judge, who is also an executive officer and a judge, is always carried away by his previous knowledge and information that he receives from various other independent sources. Thirdly, they said that he as an administrator is usually interested in the peace and order, and that is why he is most likely—he may not do deliberate injustice, but with a view to have smooth sailing and to remove the obstacles from his way—to miscarry justice. You will find this in such cases. Suppose the administrator of a district is interested in a particular project—it may be a charitable project, it may be an educational project—and there may be some people who oppose him with best of the intentions, and if those people come before him as accused, he is likely to be prejudiced against them. There are many illustrations like this which could be given, but I do not desire to give a long list of such cases, because I want to draw attention to the particular evils that we have noticed in the present system when the same officer is the executive and judicial officer. I will give a concrete example of a case which happened last year. The head executive officer of a district received a private letter from a certain individual. In that private letter that individual mentioned a good many things, and by the way he said that on the 7th December when he was presiding as presiding officer, mind you the letter was dated the 14th December, there was some little *golmal* " and he gave a push to one of the voters. That man came up to him and said "sahib, tum hamko kyon maro ho." He gave his name in the letter. The district officer wrote not to the sub-divisional officer, the first class magistrate, but to an honorary magistrate whom he knew to be a partisan of another candidate and he knew he would take the voter to task. This case was sent to him, he took the evidence; the district officer called for the file, and what happened? He

[Mr. Mukandi Lal.]

convicted one of them to two years and the other two for  $1\frac{1}{2}$  years each. And the peculiarity is this, that only one man was mentioned in the letter and that man got only  $1\frac{1}{2}$  years, while the one of the other two got more—two years.

**Pandit Nanak Chand :** May I request the honourable member through you that he will bear in mind that we have not yet even reached the Education budget. I trust he will not keep us longer at these items.

**The Hon'ble the President :** I trust he will.

**Mr. Mukandi Lal :** I took jolly good care yesterday to be very brief, but certain facts have simply got to be exposed here. I am trying to be as brief as possible, we are much more interested in education than anyone else present here, and the honourable member should have taken this fact into consideration yesterday.

**Pandit Govind Ballabh Pant :** Would you be pleased, Sir, to make a ruling that references to history will be irrelevant?

**The Hon'ble the President :** There seems to be a feeling in the Council that we ought to be very brief in respect of the remaining motions in this demand, so I hope the honourable member will be as brief as possible.

**Mr. Mukandi Lal :** I will give only one or two instances. Not only that, but when the case went before the sessions judge, he granted bail. But even though bail was granted by the sessions judge it was refused by the district magistrate on the pretence that the assistant sessions judge was not competent. I am sorry that a magistrate should not even know his superior officer's powers. I will give you another instance of this combination when a judicial officer is also an executive officer and he goes on tour, what happens—you have to follow him into the jungles. In 1921 when I had an appeal before the magistrate I went to the first stage and I heard he had just gone nine miles further. Then I went there and he had moved off another 8 miles, and then from there again I had to go another three miles. I had to cover 20 miles in one day and return to town same night as I could have no shelter or bedding in camp. I reached my destination at 2 a.m. next morning. Now I will give you an instance of the 4th of January last. The cases were fixed for a place, say Kotdwara, the magistrate was supposed to be there on the 1st of January, but he did not get there till the 6th; and he heard appeals in camp even on Sunday. I do not know whether there is any court that tries cases on a Sunday, to boot in the jungle 14 miles away from a populated place. This is due to a combination of the powers. Now I will give you another instance.

**The Hon'ble the President :** The honourable member should stop; he has far exceeded 15 minutes.

**Babu Bhagwati Sahai Bedar :** I have a very serious complaint against these *thekadars* of law and justice, and it is this, that they generally issue summonses and notices to parties to attend court just at 10 o'clock. The litigants go there punctually, but these personalities



themselves attend at 2 p. m. and even in some instances at 4 p. m. This causes great inconvenience both to the witnesses and the complainants. It causes inconvenience also to jail people. I must remind the Hon'ble the Home Member, who is fortunately in charge of jails also, that it causes great inconvenience in the lock-up. Under-trial prisoners sometimes return at about 7 in the evening, and can you consider the difficulties of the jail people who have to sit with folded hands for lock-up till the prisoners return? I have come across instances in the Moradabad jail which I visited. The gate book of that jail had entries that prisoners returned after six in certain cases. I hope these things will be redressed, and if it is not done I must say

فائدہ کیا جو تیرے ظالم کا اظہار کروں \* اے بڑی ساری کچھڑی تری دیوانی ہی

**Khan Bahadur Maulvi Fasih-ud-din :** I will be brief as the time at our disposal is short. The budget for the administration of justice has come and passed away but with very few curtailments. This is not because we have been unmindful of our duty in this direction but because we have realized that justice should be purchased at any cost, and that no amount of money will be too much for this particular department. The Hon'ble the Home Member is to be congratulated on his having steered the Chief Court Bill through the shoals and sands of opposition in this Council with success. Our chief grievance is the scandalous delay in civil appeals in the Allahabad High Court, and I hope that grievance will soon be remedied. Another item of our grievance is the niggardly treatment we have received in connection with the Indianization of services. One member of the Provincial Civil Service and one member of the legal profession have been posted as district judges, out of 35 or 36 posts of district judge, and I hope that in connection with the suggestions made by the Lee Commission there will be at least 15 Indian judges if not more, five of whom should be in my opinion members of the legal profession and ten members of the judicial profession. Another ground of complaint that we are having just at present is the rather slipshod manner in which promotions of subordinate judges are made to the post of district judges, and it is my information that an idea is gaining ground amongst the members of the service that favouritism is often exercised under the cover of the plea of selection on the ground of fitness. Several subordinate judges, both Muslims and Hindus, have been recently superseded by their juniors in this respect. Mr. Saiyid Abdul Hasan was superseded in this way about three years ago in spite of the fact that he acted with success as sub-judge, as sessions and additional judge of Jaunpur, and he is still acting as judge of the Small Cause Court, and only last year another similar officer, with even a much better reputation, whom I need not name, was similarly superseded. A practice of this kind in my opinion creates dissatisfaction, discontent, and even disaffection amongst the members of the service and leads to seeking for favouritism and also to diminishing the independence on the part of judicial officers, and the sooner this matter is looked into the better it will be. My friend Mr. Zahur Ahmad has referred to me by name in connection with some remarks he made on section 110, Criminal Procedure Code. As a non-official my experience is that I am in a position to endorse his opinion. The section is sometimes used by the police in order to avenge themselves on certain persons against whom they have not an iota of

[Khan Bahadur Maulvi Fasih-ud-din.]

complaint. His name is written in the diaries in connection with several inquiries of cases from time to time as a suspect and then all of a sudden he is ordered to go before the court. The court binds him down in spite of very respectable evidence for the defence, and after he is bound down the magistrate says that it is only a sort of preventive section and he can put in security. The practical effect is that no one comes forward to offer security and people think that if they come forward they will be entered as *badmashes*. And the result is that the poor fellow has to rot in jail for one or two years for which he is bound down. I think this matter too requires the serious attention of the authorities. The magistrates seem to have got the idea that it is their duty to bound down any man and every man who comes before them. I must confess that since the change in the practice of appeal has come into effect, that a judge and not a district magistrate should hear such appeals; the results are better; still the section continues to be misused.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I would suggest to Rai Jagdish Prasad Sahib that the redress of the grievance lies in the hands of the parties themselves. Those who feel that their cases should not be tried by particular persons may apply to the High Court or the magistrate of the district.

**Babu Bhagwati Sahai Bedar :** The tendency of the High Court these days is not to transfer cases.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I do not know anything of tendencies. There is no legal bar to the exercise of this particular discretionary power if a strong case is made out before the High Court and the magistrates for such transfers.

**Pandit Nanak Chand :** Does that suggestion appeal to the Hon'ble the Home Member in spite of its being very costly and circuitous ?

**Mr. Zahur Ahmad :** On a point of order, Sir. Orders regarding transfer applications are always made on the ground of actual bias. In cases like this if an application is made saying that the particular gentleman was a candidate for municipal election and that therefore he ought not to try the cases, then the High Court or the criminal court can say that actual bias ought to be proved.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** If such is the bias in the Indian mind, then good-bye to every kind of demand for self-government. If unsuccessful candidates in the municipal or Council elections do not wish to keep their minds open, if they treat it as a personal grievance when the election is over, if they are not prepared to forget it, I do not know whether and when we can honestly claim that we are fit for self-government

[A voice :— They are your own honorary magistrates.]

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** They are our own countrymen; we must not forget this also.

I deny the charge levelled against the Government by my friend Mr. Zahur Ahmad with regard to the appointment of some unsuccessful candidates in municipal elections as honorary magistrates. So far as I am concerned, I have not given sanction to any case of this kind.

**Mr. Zahur Ahmad :** What about Mr. Shahab-ud-din Khan of Allahabad ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I do not know whether I was ever approached by the magistrate of Allahabad on the plea that a certain person was defeated in the municipal elections; he should, therefore, be rewarded by the Government in the form of his being made an honorary magistrate.

As regards the chain to be used by undertrial prisoners, I have carefully examined the case and I am not sure whether I will be able to meet the wishes of the House in the matter. To my mind it is not safe to allow habitual under-trial prisoners without chains and fetters. In the case of ordinary prisoners I am quite ready to consider the question.

As regards the question of separation of judicial and executive functions raised by my friend Mr. Mukandi Lal, I have already made a statement in this House and I repeat it again that it is far from the intention of this Government to give up the point. We are ready and we shall work faithfully as soon as we get a definite reply from the Government of India. It is most unfortunate that this scheme has been decided to be considered together with other provincial schemes. Hence the delay. This is a circumstance over which this Government has no control. But let us hope that the Government of India will not keep us waiting for long and the Secretary of State will give sanction to it early. We have approached the Government of India with a scheme cut and dried and there will not be any difficulty in enforcing the scheme as soon as we get the sanction of the Government of India.

Maulvi Fasih-ud-din Sahib has touched on a point which, I am afraid, is not convincing. The Maulvi Sahib has charged the Government with showing favouritism in making appointments to imperial listed posts. It is a matter which rests with the High Court and the Court of Judicial Commissioner, so far as Oudh is concerned.

**Rai Bahadur Thakur Hanuman Singh :** Can there be no favouritism in the High Court ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** If this is the charge on one of the most prominent and eminent officers of the State who is the Head of the judiciary that he is partial or shows favouritism, then I do not know where this charge will end. I am, however, inclined to take a favourable view of the method of selection. If most brilliant persons are given preference, I welcome this idea. I would not go only by the order in which the names are given in the list of services. In conclusion, allow me, Sir, to thank the Council for the manner in which the Council has dealt with the demand for the administration of justice.

**Babu Bhagwati Sahai Bedar :** What about me, Sir ?

The motion that the demand be reduced by Re. 1 was put and the Council divided as below :—

*Ayes (36).*

Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Pamodar Das.  
Babu Jai Narayan Chaudhri.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.

Rai Jagdish Prasad Sahib.  
Pandit Nanak Chand  
Thakur Shib Narayan Singh.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Thakur Sadho Singh.

*Ayes* (36).--(*concl'd*).

Pandit Brijnandan Prasad Misra.  
 Pandit Bhagwat Narayan Bhargava.  
 Pandit Jhanni Lal Pande.  
 Lieut. Raja Durga Narayan Singh.  
 Pandit Sri Krishna Dutt Paliwal.  
 Babu Parsadh Narayan Anad.  
 Pandit Yajna Narayan Upadhyaya.  
 Rai Bahadur Thakur Hanuman Singh.  
 Pandit Baijnath Misra  
 Pandit Govind Ballabh Pant.  
 Pandit Hargovind Pant.

Mr. Mukandi Lal.  
 Babu Ram Chandra Sinha.  
 Dr. Jaikaran Nath Misra.  
 Babu Sita Ram.  
 Mr. Zahur Ahmad.  
 Maulvi Zahur-ud-din  
 Hafiz Hidayat Husain.  
 Maulvi Abdul Hakim.  
 Dr. Shafa'at Ahmad Khan.  
 Khan Bahadur Maulvi Fasih-ud-din  
 Dr. Ganesh Prasad.

*oes* (38).

The Hon'ble Mr S. P. O'Donnell.  
 The Hon'ble Raja Sir Muhammad Ali  
 Muhammad Khan, Khan Bahadur.  
 The Hon'ble Lieut Nawab Muhammad  
 Ahmad Sa'id Khan.  
 The Hon'ble Rai Rajeshwar Bali  
 Mr. G. B. Lambert.  
 Mr. E. A. H. Blunt.  
 Kunwar Jagdish Prasad.  
 Mr. G. B. F. Muir  
 Mr. A. C. Verrières.  
 Mr. C. E. D. Peters.  
 Mr. J. R. W. Bennett.  
 Mr. S. H. Fremantle.  
 Mr. R. Burn  
 Mr. B. J. K. Hallows.  
 Mr. C. M. King.  
 Mr. F. F. R. Channer.  
 Mr. A. D. Ashdown.  
 Colonel A. W. R. Cochrane.  
 Mr. A. H. Mackenzie.

Mr. G. Clarke.  
 Raja Muhammad Ej'az Rasul Khan.  
 Raja Bahadur Brij Narayan Rai.  
 Mr. H. David.  
 Rai Bahadur Babu Ram Nath Bhargava.  
 Rao Sahib Kunwar Sardar Singh.  
 Kunwar Rajendra Singh.  
 Kunwar Surendra Partap Sahi.  
 Mr. Muhammad Aslam Saifi  
 Maulvi Obaid-ur-Rahman Khan.  
 Nawab Muhammad Yusuf  
 Saiyid Muhammad Ashiq Husain  
 Mr. Ashiq Husain Mirza  
 Khan Bahadur Munshi Siddiq Ahmad.  
 Raja Saiyid Ahmad Ali Khan Alvi.  
 Khan Bahadur Chaudhri Muhammad  
 Rashid-ud-din Ashraf.  
 Mr. St George H. S. Jackson.  
 Lieut. Raja Shaikh Imtiaz Rasul Khan.  
 Raja Jagannath Bakhsh Singh.

Motion negatived.

The net demand of Rs. 55,70,890 (Rs. 55,88,000 less Rs. 17,110) was then put and voted.

## Demand No. 2.

### HEAD 31—EDUCATION.

**The Hon'ble Rai Rajeshwar Bali:** I rise to communicate to the Council the recommendation of His Excellency the Governor that the sum of Rs. 1,67,60,600 be granted under head 31—Education, and to move that this amount be voted. In addition to this there is a sum of Rs. 4,08,400 non-voted making a total demand of Rs. 1,71,69,000.

Sir, it has been the practice, and I must say an excellent practice, that in introducing the Education budget an account has been given to the Council of the activities of the department during the closing year and of the proposals for the next year. Last year some doubts were expressed in certain quarters as to the utility or advisability of this course; perhaps it was because we were very hard pressed for time last year. But I think it is our duty as Ministers responsible to the Legislative Council to give an account of what has been engaging our attention during the past year and what we propose to do in the coming year. It is a matter of great gratification to me that lately education has been engaging the attention of my honourable friends to a greater extent and

it was fortunate that it got a good place in the budget discussions too, though I am afraid that still it has come up for discussion at quite a late hour, at least later than I expected. However, we hope that we shall receive in the deliberations on this demand helpful advice and criticism from my friends in this House.

I shall briefly refer to some of the activities of the department during this year. Let me take universities first. We appointed a University Co-ordination Committee in response to a recommendation made by the Economy Committee and it has submitted its report. Its two chief recommendations, namely, that a system of block grants for a period of five years for the universities should be instituted and that the provision for the King George's Medical College Hospital should be separated from the Lucknow University budget, have been accepted by the Government and have been given effect to in this budget. I think that this system of block grants will tend to stabilize the finances of the universities. It will relieve them of financial worries in their day-to-day administration and will give them more time to devote themselves more vigorously towards internal reforms. At the same time Government will try to find more money as funds permit for their non-recurring expenditure, for instance, the expenditure on libraries, museums and laboratories and the provision of as much accommodation as possible for their students and for their professors. Sir, I may be wrong—and I hope I am wrong—but an impression has grown upon my mind as a result of the debate during the year on education that somehow the honourable members of the present House do not look with as much favour, or at least as much enthusiasm as it deserves, the expenditure on university and higher education. In their ultra-enthusiasm, if I may say so, for primary education and for all things that relate to rural areas, the higher and university education seem to be looked at from what I may perhaps characterize as not a correct perspective. I agree that on primary education depends the creation of an intelligent and critical electorate. But at the same time we must recognize that we look forward on the products of the universities for diving deep into the causes of things, for adjusting the conditions which arise out of a clash of ideals of the ancient East and the modern West, and in short for evolving the synthesis on which the higher and broader life of the nation is to be based in future. Just as on the work done in the laboratories depend the national industries of the country, in the same way all big schemes of social, political or religious reform must draw their inspiration from these sources of creative thought. I know it shall be urged that our universities are to a great extent not yet centres either of research or of creative thought; but conditions congenial to them have been established and created, and let us hope that as days go on these students as well as the professors by their joint effort and co-operation will be able to make true university life possible and thus help in the future progress of India. These may be dreams at present, but let us hope that they will be realities at some future date. One way of invigorating university life which I have lately suggested to one of the Vice-Chancellors is that they should endeavour to invite from English and other continental universities distinguished professors both on the arts and science sides to come and deliver lectures here and thus show how work is done in the universities in the West.

There is one more point which may also be borne in mind. The honourable members of the House are aware that the Lee Commission has

[The Hon'ble Rai Rajeshwar Bali.]

recommended that the higher educational services of the country are to be provincialized. If this provincialization means Indianization also, then we must try to impart approximately as good an education in our universities as is imparted in Western universities. I may confess that realizing the importance of higher education in the formation of public opinion, in the development of industries, and the general progress of the country, I would err on the side of a little extravagance in the matter of laboratories and museums, libraries and good professors rather than destroy their purpose by reducing them to a state of anaemic sterility.

While on the point of university education, I may mention one event which though unconnected with the Education department as such, I tried my best to make a success. I mean the All-India Music Conference and Fine Arts Exhibition. I will not labour on these points at any great length, but I cannot refrain from remarking that I regard the training of emotions and aesthetic culture as vital parts of any good and sound system of national education. In our case their importance is enhanced on account of the fact that politically Hindus and Muhammadans can regard the arts of painting and music as practised and developed in medieval times as a common heritage, of which both can be equally proud. The Art Exhibition was attended by over 18,000 students, and I may say that a stimulus has been given to the study and appreciation of the subjects; but proper opportunities for the study of these subjects cannot be said to have been supplied unless a national picture gallery is founded. I wish all success to the promoters of the scheme for founding a music college and a national picture gallery.

Sir, we appointed this year a committee to go into the question of the courses of study and the strength of the staff and other general economies to be effected in the Thomason Engineering College, Roorkee. The committee has submitted its report and we have sent it to the Advisory Council of the college, and we hope that when this report has been received and considered by the Government it will be possible to effect considerable economies in this institution.

I may also mention that this year we added two more foreign scholarships. Thus their total number stood at four. Two of them were given by the Education department for training in Western methods of education, one to a male and the other to a female candidate. The other two were given to the two Universities of Allahabad and Lucknow, and they were open to their graduates for advanced studies.

The Board of High School and Intermediate Education has approved of special subjects, Physiology, Hygiene and Child Study, for girls at the intermediate stage with the object of preparing either for the teaching profession or for domestic life. It has also framed regulations for an Agricultural Diploma Examination, which I hope will meet a long-required need and will give an impetus to education in agriculture in these provinces. It is hoped that the first Agriculture Diploma Examination will be held in 1926.

Another of its regulations, passed in November, 1923, was the subject of debate in this House about a fortnight ago, I mean the regulation relating to making vernacular as an optional medium of examination for the High School Examination. In view of the wishes of this House, I have now confirmed this regulation.

We have re-organized the Provincial Text-Book Committee on a representative basis. It has been enlarged and there is a clear non-official majority on it. No less than five honourable members of this House sit there. The total number is 23. It is hoped that a long-felt grievance has thus been remedied and that this committee will be successful in advancing the educational progress of these provinces on true and sound lines.

Before I proceed to vernacular and primary education, I may mention that the King George High School, Lansdowne, has been provincialized and thus the number of Government High Schools stands at 57 now. We have further added Biology classes to the Queen's College, Benares.

In response to a recommendation of the Legislative Council, spinning has been added as an optional subject in the courses of study prescribed for the junior classes of Anglo-Vernacular Schools for girls.

Sir, I now come to vernacular and primary education, in which I know my friends opposite are most interested. If I may be allowed to say so without presumption I may say that I am none-the-less zealous for it. First of all, we constituted a Board of Vernacular Education in place of the Board of Education, to look more effectively after the interests of vernacular education, and I am sure that, as it begins to function and develop its utility, all those schemes which my friends Rai Bahadur Thakur Hanuman Singh and Babu Sangam Lal have in view will engage its earnest attention. We look upon it to be of material assistance in formulating our future policy regarding the development of vernacular education, as well as to suggest means of co-ordinating vernacular with English education—an idea which I have been holding in my mind for a considerable time and which I hope to put in definite form before the Board of Vernacular Education now.

During the current year we have been successful in persuading six more municipal boards to avail of our liberal offer regarding the introduction of compulsion in primary education. Thus the number has gone up to 18 now, out of which in the whole area of at least a dozen municipalities compulsion has been introduced. I do not regard this as a satisfactory rate of progress, but bearing in mind the many and varied difficulties that stand in the way and have to be overcome, I believe the honourable members of this House will see that it does not compare unfavourably with the results of any other year or with the results, which have so far been achieved in other provinces.

We have further tried to stabilize the finances of the district boards by entering into a three years' contract by which the savings accruing to boards from their recurring allotments for vernacular education will not be resumed by the Government in future. The savings will now be utilized by the boards on the construction and equipment of new buildings or on other non-recurring expenditure on vernacular education. This step, I am glad has been greatly appreciated by the boards, as it makes them feel secure about the grants they are likely to get and saves them from wasting the money about the close of the year on ill-planned and hurriedly-drawn-up schemes. They can now keep a well-defined and regularly drawn up programme before them.

In connection with the scheme for opening agricultural classes in vernacular middle schools, arrangements have been made for the training of vernacular school teachers at the Agricultural School, Bulandshahr. Ten boards have already deputed one teacher each for training in the above subject. This is a small beginning, but we hope to pursue it further more vigorously next year.

[The Hon'ble Rai Rajeshwar Bali.]

Further, in pursuance of the scheme for opening middle vernacular school libraries, grants have been given to each of the district boards, Lucknow, Allahabad and Cawnpore.

I now come to the most important step taken in the interest of the expansion of primary education. In order to examine the possibilities of introducing compulsory education in rural areas, and otherwise of its expansion therein, the Deputy Director of Public Instruction was placed on special duty. His report has been published and has already been placed in the hands of the honourable members. It is at present under the consideration of Government. I wish to express the appreciation of the Government of the great industry, ability and thoroughness with which Mr. Kichlu has attacked this difficult problem, and I shall be soon asking the honourable members of this House to focus their weighty deliberations on this difficult subject and assist the Government in carrying through a legislation for which we are as much in earnest as the honourable members.

Before I leave the account of the past year's work and proceed to analyse the budget before us, I wish to refer to the creation of a departmental accounts office to keep and check the accounts of the Educational department. This is in connection with the experiment of transferring to the heads of departments the audit of their own accounts. It is hoped that this system will result in considerable gain to the provincial Exchequer as a result of releasing for the accrual of interest to us large sums which used to be locked up with the Government of India. If any more light is needed on this subject, I am sure my honourable friend, the Financial Secretary, will be glad to throw it.

I now turn to the explanation of the budget that is before us. Honourable members during the general discussion pointed out to an apparent decrease in the Education budget as compared with the last year's.

**Pandit Govind Ballabh Pant:** There are numerous motions on the agenda, and if the Hon'ble Minister takes such a long time in making his speech, I am afraid we shall not have much time left for a detailed discussion of the Education budget which amounts to one crore and seventy lakhs.

**The Hon'ble Rai Rajeshwar Bali:** In that case I shall explain the budget when honourable members enter into a detailed discussion of it. At all events, before I sit down I wish to point out, as I did during the general discussion, that this year's budget is a budget prepared under the shadow of financial stringency. There are a number of schemes which we would have very much liked to be included in the schedules, but which could not be done for want of funds. It is our earnest desire to present them in the form of supplementary estimates early next month if the Hon'ble the Finance Member is able to provide us with more money as a result of the condition which he imposed two days ago. These schemes relate to the improvement of intermediate education, further expansion of primary education and provision for such important matters as manual training. I hope that when I come up with my demands the House will extend the same generous support to me which it has always been doing so far. Before I finish I wish



to refer to one matter more. My friend the honourable Director of Public Instruction, Mr. Mackenzie, is shortly proceeding on a well-deserved leave of five months, and I wish to express my deep appreciation of the unstinted loyalty and co-operation which I have always received from him and of the extraordinary zeal, energy and industry that he has shown in the administration of this one of the biggest departments.

**Nawab Muhammad Yusuf :** Who is going to officiate during the absence of Mr. Mackenzie ?

**The Hon'ble Rai Rajeshwar Bali :** During the leave of absence of Mr. Mackenzie the Government proposes to appoint Mr. K. P. Kichlu to officiate as Director of Public Instruction.

**Pandit Govind Ballabh Pant :** Has that recommendation been communicated to His Excellency the Governor and approved by him ?

**The Hon'ble Rai Rajeshwar Bali :** Yes.

**Mr. Muhammad Aslam Saifi :** With your permission I want to move my motion in an amended form that is, I want to substitute Re. 1 for Rs. 500. I move that the demand of Rs. 10,000 in respect of the item regarding Aligarh University at page 67 of the Detailed Estimates be reduced by Re. 1.

Honourable members will find at page 52 of the Civil Estimates a provision of Rs. 10,000 for the Aligarh University. If they will turn to page 37 of the memorandum prepared by my honourable friend Mr. Blunt they will find that this provision has been made for the library of the University. I think, Sir, it is better late than never. Provision for the University library has been made after all, and for this I feel thankful to the honourable Mr. Mackenzie, Director of Public Instruction, for this first dole, although the House will remember that on the last occasion when Dr. Zia-ud-din, Vice-Chancellor of the Aligarh University, spoke he said that the condition of the library was so poor that it was not better than what it was under the old M. A. O. College. Sir, my object in moving this motion is to ask for a little information as to what action the Government proposes to take regarding the two resolutions which have recently been passed by this House, first in the month of December, moved by my honourable and learned friend Rai Bahadur Lala Sita Ram in connection with the Benares Hindu University, and the other moved by my learned and honourable friend Hafiz Hidayat Husain with regard to the Aligarh University. I did not know that these departments were not under the Hon'ble Minister of Education. They have been pointed out to be the central subjects and therefore naturally they are under the Hon'ble the Finance Member. The Hon'ble Minister of Education in his speech which he has just now delivered has pointed out that the budget of the Education department has been prepared under the shadow of financial stringency. I expected to hear from him to what that shadow was due. Probably he meant that a great deal of money has been swallowed up by the unfortunate catastrophe of the floods which overtook us in September of the last year. Well, Sir, I do not know which of the honourable members of the Executive Council or of the two Hon'ble Ministers is in charge of the department of floods. I do not know whether there is any such department. But all of us know that in the present year our Government had to spend 75 lakhs of rupees in order to alleviate the condition of the poor people who have suffered from the floods. At the same time we also know that there is another

[Mr Muhammad Aslam Saifi.]

incessant, ever present --if I may not say ever-increasing, I must say that it is not decreasing—flood of ignorance which has surrounded the whole of the province. In a population of 47 millions—I have not the figures with me, nor have I any taste for them—it will not be found that there are more than ten lakhs of pupils in all the colleges, high schools and primary schools.

**The Hon'ble the President:** The honourable member is not confining his remarks to the motion before the House. This is not the stage to discuss primary education.

**Mr. Muhammad Aslam Saifi:** I simply want to touch the question of universities. My object is to find out what action Government propose to take with regard to these two universities. Two resolutions in connection with them have already been passed by the House. The point I want to make is that these universities which have been set up as a matter of fact to supplement the funds of the Government required for providing university education stand in need of financial assistance. It has been pointed out to us by the Hon'ble the Finance Member that on principle he does not think that the provincial Government should give any assistance to them; but we find that for the library of one of those universities a sum of Rs. 10,000 has been found. I may tell the House that there was an Eastern potentate who had built 40 gates to one of his palaces with a view that anyone who wanted charity could enter the palace by any of those gates and receive the charity. Though at present our country is organized on Western lines and by Western minds, I suppose we have got 40 gates, but prohibitions are labelled against them and we are not allowed to get anything at whatever gate we knock. I, however, believe in perseverance, and I now put this matter before the Government for the third time, and I hope the Hon'ble the Finance Member, in spite of the principle and in spite of the fact that our national universities may have no obligation on the provincial Government as they are a central subject, to which I quite agree, will still find it possible to render that financial assistance of which they stand in great need at present.

**Pandit Nanak Chand:** I do not wish to take much time of the Council unnecessarily. I whole-heartedly associate myself with what has fallen from my honourable friend the last speaker about the Benares Hindu University and the Aligarh Muslim University. The resolutions were passed a long time ago, and I think the Government must have decided their attitude in regard to these two universities and we would like to know from the Government what their attitude is on this question.

**The Hon'ble Mr. S. P. O'Donnell:** I am afraid the position is exactly the same as it was when I spoke on the resolution as regards the Aligarh University. In the interval the budget has been presented and the Council knows exactly where we stand. We intended to provide money for both the Aligarh and Benares Universities in the budget, but it was impossible for us to do so. We budgeted originally for a closing balance of only a little over 15 lakhs—a balance which is admitted by every one to be dangerously low. Since then the Government of India have announced their intention of giving us a remission of 56 lakhs. That will make the position 13 lakhs better than it was. Even

if the whole of those 13 lakhs were to go to the closing balance, it will still be only a little over 28 lakhs. We have, for reasons which I have explained in the general discussion, agreed to accept a closing balance of twenty lakhs, provided the Stamp Act is passed, and we have agreed in that contingency, assuming of course that we get our remission, to increase the expenditure on transferred departments by nearly nine lakhs. That expenditure would all be incurred over schemes which have been held up and been ready for some time in connection with our own provincial subjects. We have quite a long list of approved schemes on which expenditure is required. It is obvious therefore that we cannot in addition provide more money for the two universities which are after all not the primary responsibility for the Local Government. If and when our financial position is very different from what it is at present, we shall be quite prepared to consider sympathetically the case of both these universities. I think the Council will realize that in the present financial position, with a very small balance that we have, it is quite impossible to provide expenditure for these universities during the present year.

Motion by leave withdrawn.

**Mr. H. David :** I beg to move that the demand of Rs 9,33,700 in respect of the item regarding Lucknow University at page 67 of the Detailed Estimates be reduced by Rs. 93,000.

On turning over the budget for the last two or three years I find that the Lucknow University has always been receiving much more than what the Allahabad University ever received. In 1923-24 the Lucknow University received Rs. 7,30,000, while the Allahabad University received only Rs. 6,67,000. In 1924-25 Rs. 10,09,000 was received by Lucknow, while Allahabad received one thousand less than that of the year previous. In 1925-26 Lucknow is to receive Rs. 9,33,700, while Allahabad Rs. 6,94,000. It will at once be perceived that there is a great difference between the grant to the Lucknow University and that to the Allahabad University that is budgeted for the next year. I do not touch such figures as Rs. 2,400 which the University is to receive from Government for medico-legal work, though I do not understand why the university and not the medical college should receive it. I also do not touch the item of Rs. 1,44,300 which is for buildings, but I touch only the amount of Rs 7,87,000 which I think is for the ordinary expenses of the university. Of course the members of this Council are always under a disadvantage, because the Lucknow University stubbornly refuses to supply us with any report or any budget and we are all left in the dark.

**Dr. Ganesh Prasad :** Question.

**Mr. H. David :** I have not received it. Anyhow I find that there are many members who have not received it. The Legislative Council is called upon to provide funds for this university and it has to do so without any knowledge of the internal working of the university, specially as to expenses. The Allahabad University has supplied us with its budget and we can very easily go into all these subjects and form our own conclusions. Then I have been informed by an educationist that the expenditure on educational staff, viz., professors, readers, lecturers, and so on is excessive. Even the Co-ordination Committee found it proper to reduce the salaries of these officers, and I think a dissentient member of

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that committee had even the courage to reduce the salary of the Vice-Chancellor perhaps to half or one-third of the amount that is sanctioned. I find further that the teaching staff of this university is so excessive that I have been informed by a man from Lucknow very well interested in the destinies of Lucknow that the professors do not think it proper to teach more than three or four hours a week. I have a very faint recollection that last year our friend Dr. Ganesh Prasad went very deeply into the matter and found the number of teachers to be quite disproportionate to the number of students in the post-graduate classes.

**Dr. Ganesh Prasad :** May I point out that this is a misrepresentation of what I said.

**Mr. H. David :** Lastly, I find that this university has shown a terrible disregard of the claims of the provincials in the teaching staff. We have imported men from Madras and Calcutta, while no sufficient opportunity and encouragement are given to the hopefuls of this province. The latest breach in this respect was that for the very ordinary post of Registrar the university found all the applicants from these provinces to be inefficient, and they could get a man to their choice only from the province of the Punjab. So I think that this university does not respond to our patriotic feelings.

I have not been able to understand Mr. Blunt's exposition of the income and expenditure as given in his report, and I hope he will deal with me not bluntly. I am surprised that the order in which he has put the income and expenditure of the Allahabad University is not the same as that in which the income and expenditure of the Lucknow University have been shown. So I do find some difficulty like some of my honourable friends, specially my friend Pandit Nanak Chand, in studying the budget for this year. I have no feeling against the Lucknow University, but I think that we should not blindly be made to sanction the amount of Rs. 93,000 for this university over and above what is found to be sufficient for the Allahabad University. We must have some material to go upon and I find that there is none.

**Lala Mathura Prasad Mehrotra :** I rise to oppose the motion of my friend Mr. David. While comparing the figures for the last two years he has ignored one important and the chief factor, that the expenses of the medical college hospital were also included in the Lucknow University. As we know, the maintenance of a public hospital causes a great deal of expenditure and this hospital too . . .

**Mr. H. David :** May I be allowed to say that the expenses of the medical college are quite separate and not included in these figures ?

**Lala Mathura Prasad Mehrotra :** This year they are not included, but during the last two years they were included and the expenditure on the medical college hospital alone was to the extent of about Rs. 2,30,000. According to the recommendations of the Economy Committee the Government appointed a committee known as the Co-ordination Committee which has submitted a report, and what is found in this year's budget is exactly the same as recommended by the Co-ordination Committee. I do not see any reason why Mr. David should grudge the recommendations of a committee of experts that sat for some time and discussed threadbare what the grants should be separately for the Lucknow University and the Allahabad University.

**Khan Bahadur Maulvi Fasih-ud-din :** I strongly oppose the motion put forward by Mr. David, not because I happen to be an old student of the Old Canning College, but also because I think the motion is wrong in principle. His chief objection to this budget for the Lucknow University is that Lucknow should not get 9 lakhs because Allahabad does not get more than 6 lakhs. This objection I think is based on egotism and carries with it its own refutation. It is no argument to say that because one institution does not get as much as it should, therefore the other institution should not get as much as it needs. The other argument my honourable friend brings out is this, that the University of Lucknow does not employ men of the province as professors. I think that too is quite wide of the mark. If it does not employ men of the province as professors, pressure should be brought to bear on this University to do so, but it does not follow that for that reason we should stop its grant and cripple its resources. I have been looking forward with great interest to find out one substantial argument in the speech of our friend in order to justify the cut he proposes, but I am sorry, or rather glad, to say that I have not found it. There is only one point I wish to bring out in connection with the Lucknow University. The amount of 2 lakhs which has been included in this budget relates to the medical hospital and not the college, and if this is so I wish to say something about the medical college attached to this University. I found out from the papers that some sort of agitation has been going on about the affairs of this college, and I think it is due to the Minister or to one of the officers on the Government side to clear up that point. The matters have come into the *Leader* and the *Indian Daily Telegraph* have been engaging the serious attention of a large part of the public and if they are not explained some sort of suspicion will remain in our mind. The first point is that it is said that the Faculty of Medicine passed certain proposals which were thrown out by the Lucknow University. The first of these proposals was the appointment of a paid reader for the surgical department and the second proposal was for the appointment of honorary surgeons and physicians to act on the staff of the medical college in order to broaden its basis. It is also said, and that is stated in the *Leader* of the 8th December last that one of the junior members of the staff actually canvassed against these proposals. If he did so, I ask whether he did so with the consent of the Principal or the help of the surgical department, and if he did do it, I think the matter needs very serious looking into. The other point that seems to have been discussed and which is engaging the attention of the majority of the people concerned with this institution is that no attempt has yet been made to prepare any list of indigenous drugs, and for research of this kind a Professor of Materia Medica has been appointed to teach Materia Medica. If such a list has been made I would rather like to know whether it has been submitted to any medical authorities or to the Inspector-General of Civil Hospitals. The third point that has been brought out in connection with this controversy is that the post of the Professor of Surgery has been filled up without reference to the Inspector-General of Civil Hospitals. I am personally not concerned with the management of this college, but these are the points to which my attention has been drawn, and I should like to know something about them. With these few words I strongly oppose the motion of my honourable friend.

**Dr. Ganesh Prasad :** I wish just to make a few remarks on this motion of Mr. David, reserving to myself the right to speak at length on

[Dr. Ganesh Prasad.]

the motion of Mr. Mohan Lal Saksena, when it is taken up. Mr. David did me a very great injustice in stating that last year about this time I said even one word against the teachers in the Lucknow University. As a matter of fact I was extremely careful about my references to the Lucknow University, because, as I said in the reply to an interjection of his, I was not very familiar with the working of the Lucknow University. My criticism was directed towards certain other building operations and I am very glad to state that, possibly to some extent because of my motion, the Lucknow University did spend much less on buildings than it would have done. As my friends here know, I belong to the professorial line, although as most of my friends know for my bread and butter it is not very necessary that I should remain a professor. I am therefore independent to some extent and I must therefore inform my friends here that the statement made by Mr David has practically no foundation. I know myself many of my colleagues in the Lucknow University. I attended a meeting of the Lucknow University only yesterday. I know they work at least as hard here as my colleagues in the Allahabad University. As regards one or two departments I can give figures and facts. In the Mathematics department we have only a staff of three to carry on work that could only properly be done by no less than five. It is quite possible that Mr David might have some special reasons of his own for charging Lucknow University with special favouritism towards the people of other provinces. It would be extremely improper for anybody, I say it with due respect to this House, to cast any reflections on an autonomous body of such dignity as the Lucknow University. As far as I can see, there is unfortunately not a single member of the Executive Council of the Lucknow University here. As a member of the Executive Council of the Allahabad University I know something of the appointment of the Registrar of the Lucknow University. The registrarship was taken because a gentleman very nearly related to my friend—his namesake—was offered the appointment and he refused to accept it. How far Mr. David is right in bringing the name of a gentleman from the Punjab as a reason for casting reflections on the Lucknow University I leave it to this honourable House to judge. Sir, I myself am not entirely satisfied with the working of these two universities; but I must say—and I will repeat it later at very great length—that we have been able to introduce many improvements in the working of the Lucknow and Allahabad Universities.

With these remarks I very strongly oppose the motion of Mr. David, and protest against certain unfair criticisms that he has uttered.

**Kunwar Jagdish Prasad:** As regards the motion of Mr. David, it has already been dealt with by several honourable members of the House. But I should like to point out again to the House that the Co-ordination Committee, on which there were representatives of both the universities, unanimously recommended the figure which is now put in the budget. They made an exhaustive inquiry, and after considering all the material before them they made this particular proposal. The only reason given by Mr. David for reducing this amount is, not that the Lucknow University does not require the money, but that it has got a grant larger than that given to the Allahabad University. In this connection I should like to point out that the grant for the Lucknow

University includes the expenses of the medical college; only the provision for the medical college hospital has been transferred to the Medical budget.

**Pandit Baijnath Misra :** May I know how much ?

**Kunwar Jagdish Prasad :** I think it is a very considerable figure, much larger than the Rs. 93,000 which my honourable friend proposes to reduce

As regards the point raised by my honourable friend, the member for the Budaun Muslim constituency, I would again say, with due respect to the members of this House, that these are matters of internal administration which are entirely within the jurisdiction of the University. There will be a meeting of the Court very shortly—I think this month—and I think any criticism as regards the internal academic administration of the University can more appropriately be made there. Naturally the House has not got, nor have I, any information as to whether any particular drugs have been prepared, or whether a particular Professor of Surgery or an Assistant Professor of Medicine has not done exactly what he should have done. I think these are matters for the Executive Council and the Court, and if any professor has not discharged his duties in the way in which he should have done, the University has the power to deal with him adequately.

Motion negatived.

**Pandit Nanak Chand :** I move that the demand of Rs. 9,33,700 in respect of the item regarding the Lucknow University at page 67 of the Detailed Estimates be reduced by Re. 1.

Sir, the amount of this reduction will show to the Hon'ble Minister that I do not want to move for any cut. But I want just to draw the Hon'ble Minister's attention to certain matters of general importance regarding the Lucknow University.

I am at a loss to reconcile the statement of the honourable the Education Secretary and the statement of Mr. Blunt as given at page 37 of his memorandum, whereas the Financial Secretary has stated "The grant for the medical college and Hospital has been shown under 32—Medical."

**Mr. E. A. H. Blunt :** I can explain it just now. Will the honourable gentleman kindly draw his pencil across the word "and" ?

**Pandit Nanak Chand :** So, it was the printer's devil who was responsible for this mistake. Coming to the point to which I wanted to draw the attention of the Hon'ble Minister—the question of appointments in the medical college. Before the college was brought under the University three posts were filled as follows:—

The post of Professor of Anatomy was reserved for a member of the Provincial Medical Service. Two posts, viz., one for *Materia Medica* and Medical Jurisprudence and the other for Ophthalmology, were open to private practitioners as well as to members of the Provincial Service. For the last two the pay was fixed from Rs. 600 rising by Rs. 50 to Rs. 1,000. The pay of the assistant surgeon at that time was from Rs. 130 to Rs. 200 with a selection grade at Rs. 300. The pay of the Indian Civil Surgeons at that time was from Rs. 400 to Rs. 600. The University has prepared a scale of its own for professors, readers and lecturers. For the professors the scale proposed is Rs. 1,200 to Rs. 1,400 and in cases where consulting

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practice is not allowed they are allowed to draw an allowance of Rs. 250. In the case of readers, the University scale is Rs. 750 to Rs. 1,150 with an allowance of Rs. 150 to those who are not allowed consulting practice. The pay of a lecturer has been, according to this scale, fixed at Rs. 350 rising to Rs. 600. The present revised pay of an assistant civil surgeon is from Rs. 250 to Rs. 500, and the pay of the Indian Civil Surgeon is from Rs. 600 rising to Rs. 1,000. Civil Surgeons get an additional allowance of Rs. 150 as Superintendents of Jails. I am informed that the Government proposes to give the teachers of the Medical College, Lucknow, belonging to the Provincial Medical Service their own grade pay plus an allowance of Rs. 300 for professors and readers and an allowance of Rs. 150 for lecturers. The members of the Provincial Service who joined this college as teachers, even if they happen to be getting the maximum pay of their grade, as members of the Provincial Medical Service, they will be entitled to get Rs. 500 as grade pay, and if they are appointed to hold the post of professor or reader they will be entitled to get Rs. 300 as allowance, i.e., they will get Rs. 800 as the maximum. In case of those who are appointed as lecturers they can rise up to Rs. 650 including the allowance on the basis of maximum grade pay. The grades fixed for the members of the Imperial Medical Service are Rs. 1,300 to Rs. 1,600 for officers who hold the rank of Major and Rs. 1,700 to Rs. 1,900 for those who hold the rank of Lieut-Colonel. This will show that the grade pay of the members of the Imperial Medical Service is already higher than the University scale of pay and therefore the proposal of the Government to allow them the pay of their grade plus a deputation allowance does not adversely affect them. I have already pointed out that the University scale is higher than the maximum which the members of the Provincial Medical Service can get if appointed to the post of professor or reader, and therefore the members of the Provincial Medical Service are adversely affected. The honourable members of this House have also to bear in mind the fact that the members of the Provincial Medical Service who joined this college cannot get civil surgeoncies direct from the service of this college. They have to revert back to their own grade in the general scale and to rise on the list of provincial medical servants and then they can become eligible for being appointed as civil surgeons.

There is yet another anomaly, and it is that if any member of the Provincial Medical Service who is appointed to hold a post of professor or reader in the medical college resigns his post in the Provincial Service, he becomes entitled to receive his pay according to the University scale. I would suggest to the Hon'ble Minister in charge of Education that this hardship to the members of the Provincial Medical Service should be removed by giving special pay for special posts as was the practice before this college was handed over to the University, and allow them to draw their pay according to University scales. I hope I will have a suitable assurance from the Government on this question.

**Kunwar Jagdish Prasad :** I am surprised to find that my honourable friend who was a member of the Economy Committee seems to have forgotten his recent connection with that body. The proposal of the honourable member is that members of the medical services who are lent to the Lucknow University should get the scale of pay for non-Government servants and at the same time that Government should



continue to pay their leave and pensionary contributions. Under the Act they have the option of resigning Government service if they want to remain under the University. The points that my honourable friend urges are that members of the medical profession lent to the University should not exercise the option of resigning Government service and work entirely under the University, that they should continue, while on deputation, to be members of the Provincial Service, that leave and pensionary contribution should be paid by Government and that they should receive the pay on the University scale for non-Government servants when these scales are higher than the Government scale. That is to say, they should not dissociate themselves from Government service because they consider that their tenure is probably more secure, but at the same time they would like to get the University scale of pay if it is higher and have their leave and pensionary contributions paid by Government.

**Pandit Nanak Chand :** I never said that they should continue to get their leave and other contributions.

**Kunwar Jagdish Prasad :** They are getting their leave and pensionary contributions at present.

**Pandit Nanak Chand :** Was this the practice before the college was handed over to the University ?

**Kunwar Jagdish Prasad :** Before the college was handed over it was a Government college and the Government fixed the scale of pay and paid no pensionary contributions, because they were on a pensionable scale. If this principle of paying Government servants the University scales of pay were adopted in the case of the medical college, we should have to pay educational officers lent to the Allahabad University the University scale in addition to leave and pensionary contributions. However, the whole matter has been represented to us and is at present under consideration, and I do not at this stage wish to commit the Government as to what their decision will be. The points involved are somewhat difficult, and what we propose to do is to examine the whole question very carefully. But the idea in the minds of some honourable members seems to be that while in the University these Government servants should continue to enjoy all the privileges of a Government servant and should receive the scales of pay which are fixed by the University when they are higher than the Government scale.

**Hafiz Hidayat Husain :** I sent a similar resolution to the one moved by Pandit Nanak Chand, but it was returned to me yesterday as being late. There is only one point which I want to bring to the notice of the Government, and that is, the attitude of the University with regard to candidates for the examination in Oriental languages. The Lucknow University, like the Universities of Allahabad and Punjab, holds examinations in Oriental languages. This year several applications were sent for this examination. These applications were entertained by the Executive Council and the students were allowed to appear for examination, but later on, for no reason whatever, at least no reason known to the outside world, either the Council or the Court of the university stopped them from appearing in the examination for Oriental languages. The result is that one full year of these students is being wasted. I do not know what remedy is going to be provided for them ; it is impossible to allow the things to drift like this.

**Kunwar Jagdish Prasad :** The Executive Council of the Lucknow University framed certain ordinances allowing students from madrasas to appear for examination in certain Oriental languages. These ordinances came up in due course before the Chancellor; they were examined and legal advice was taken whether it was within the competence of the university to make ordinances which will enable it to examine students from madrasas, and the Chancellor was advised that the ordinances were *ultra vires* and he in exercise of the powers given under the Act disallowed the ordinances. But knowing, as my honourable friend has mentioned, that a large number of students have been preparing for the examinations of the university, it is fair that something should be done for them, and what we propose to do is that in May next we will hold an examination in Oriental languages in addition to the Oriental examinations which are held by the department at present, that is to say, the Munshi Examination in Persian and the Maulvi Fazil, Kamil examinations in Arabic. The examiners will be the same as were selected by the university for their diploma examinations. The papers will be set by these examiners and will be examined by them, but the certificates will be given by the department, as the university is not authorized to hold diploma examinations for students of these madrasas, and we hope that the difficulty which has arisen because of the ordinance that was framed being *ultra vires*, will be solved.

**Khan Bahadur Maulvi Fasih-ud-din :** Will this be permanent?

**Kunwar Jagdish Prasad :** It is only temporary. The department already holds examinations in Persian and Arabic: that will continue.

**Rai Bahadur Thakur Hanuman Singh :** It is a complaint that the medical college has a limited number of students. So a large number of them have to be disappointed, and this is due, I think, to the want of accommodation and insufficient tutorial staff. I hope the Government will see that more grants are provided for the expenses of the college and appoint more professors, so that the students may receive education in larger numbers than they are at present. The province needs more medical men, so it should be considered good.

**Pandit Nanak Chand :** In view of the fact that the matter is under the consideration of the Government I do not want to press it, but I just want to say a word in explanation.

Motion by leave withdrawn.

[The Council here adjourned for lunch.]

After the adjournment the Deputy President took the Chair.

#### Motion. No. 5.

**Pandit Nanak Chand :** I move that the demand of Rs. 16,37,700 in respect of the item regarding grants to universities at page 67 of the Detailed Estimates be reduced by Re. 1.

By moving this reduction I want to elicit information from the Hon'ble the Minister of Education as to the economies that he expects from the recommendations of the Universities Co-ordination Committee. I also want to know from him as to what the Government has decided and what the Co-ordination Committee has recommended about the reduction of salary of the Vice-Chancellors recommended by the Economy

Committee. Besides this, I further want to ask from the Hon'ble the Minister of Education, with reference to the report of the Reforms Inquiry Committee, where, at page 7, paragraph 12, in the summary of the despatch of the Government of this province, we find "The universities impelled by financial pressure have begun to compete for students and the easier they make their courses and examinations the more likely they are to be successful. This re-acts on secondary education." I want to ask the Hon'ble the Minister of Education whether the views that have been summarized in these words by the Reforms Inquiry Committee are the views shared by them, or whether they are the views of the Governor in Council; and also whether they have taken any steps, I mean whether the Governor acting with his Ministers has taken any steps, to repudiate these charges against the two universities. This Council and the Government are mainly concerned with the Lucknow and the Allahabad Universities. Do the Ministers share the opinion expressed about these universities? If the Ministers share these charges against the universities, I would like to know what proof they possess to justify this statement. It has been said in this quotation that this condition of the universities re-acts on secondary education. I put it to the Hon'ble the Minister of Education as well as to my friend the Director, of Public Instruction whether they also hold this opinion and are prepared to bear out or substantiate the same about secondary education. I would like to know if the Governor acting with his Ministers is of opinion that university education is deteriorating. If they have got any proof in their possession, I would further like to know how the deterioration of the universities re-acts on secondary education. I would like also to know whether the Ministers were given any opportunity to see the despatch before it was sent and whether the Ministers accepted the views of the Governor in Council. My second point in connection with this Reforms Inquiry Committee is that the minute—I should say the valuable minute—of the Hon'ble the Raja Sahib of Mahmudabad and also the note prepared by the Hon'ble Minister have been published. The despatch sent by the Governor in Council has been given in an abbreviated form by the Reforms Inquiry Committee. So the despatch of the Governor in Council is no longer a confidential document. We would like to know as to what opinion has the Governor in Council expressed about university and secondary education, and it is with that view that I would request the Government to provide copies of this minute to all the members. I hope that the Government will accept this suggestion.

**Dr. Shafa'at Ahmad Khan:** I support the motion of Pandit Nanak Chand. The object of my motion was to draw the attention of the Government to the needs of the intellectual proletariat of these provinces, viz., the people who have taken their degrees from the universities. I referred to them in a speech in connection with a resolution that has been passed by the Council. I pointed out that the number of graduates in this province is increasing, and I opined that some way should be found by the Government whereby they could be absorbed in useful occupations. I would merely draw the attention of the Government to the measures adopted in Bengal and to the interest excited in them in Assam. The problem in this province is much more acute, because there they have got only two universities. In Assam there is none. In this province on the other hand you have got four, with the inevitable result that the number of graduates has increased and is increasing. I would like to draw the attention of the Government to this matter.

**Dr. Ganesh Prasad :** I am very sorry that the motion of my friend, the leader of the *swaraj* party, was not taken up as he came in only a minute late. I shall therefore utilize this opportunity for giving expression to some of my misgivings relating to the findings of the Co-ordination Committee.

On the 11th March, 1924 the Hon'ble the Minister of Education, while presenting the budget of the Education department, stated that he was going to appoint a committee which would report on the steps that could be taken to co-ordinate the energies of the two universities to prevent overlapping in special branches of study; to abolish posts for which there was not sufficient justification, and to scrutinize expenditure generally. On that occasion I also expressed my views on the subject, which were shared by my distinguished friend Dr Zia-ud-din Ahmad, namely, that it was a very dangerous attempt on the part of the Local Government, as distinct from His Excellency the Chancellor, to dictate terms to the Universities of Lucknow and Allahabad, which were autonomous bodies. I am glad to find that the committee in question, which was presided over by my esteemed friend Mr. Blunt, followed the line of least resistance. Its findings amount to nothing in reality. The procedure adopted seems to be to take the highest level of income in the two universities and to ask the other university to approach that level, and if there is the lowest level of expenditure, then to ask the other university to come down to that level. In other words, the present state of affairs in the two universities will continue. Gentlemen in receipt of very high salaries will continue to enjoy them. The scales of pay fixed for professors, readers and lecturers in the two universities will continue to be the same for future entrants as well as for those who are already in service. The upshot is that everything will go on as it is at present, and it is here that there is an omen of portentous significance. I shall, however, request my honourable friends to beware that it does not turn out in the end to be a real danger. The Co-ordination Committee, as stated by the Hon'ble Minister, only made two recommendations. The first is that there should be block grants, and the second is that the King George's Medical Hospital should be handed over to the Medical department. With regard to the former, I may only remark that a block grant will always remain a block grant unless and until the Council wishes that a particular university should be granted more money. The most dangerous recommendation, however, of the committee is this, and it will almost sound the death-knell of university education, that a committee, called the Permanent Co-ordination Committee, be appointed to regulate the expenditure of the two universities. The idea is that before any new expenditure is granted by the Legislative Council, the above committee, which will consist of the two Vice-Chancellors of the two universities, the Director of Public Instruction, and two non-official members to be nominated by the Government, besides the Assistant Director of Public Instruction, who will act as Secretary, should look into it, and if it recommends, it should, after passing through the various stages in the university, be forwarded to the Finance department. The Finance department will then refer it to the Finance Committee, and if approved by them, will be included in the budget.

Now, Sir, this would simply mean that over and above so many Faculties, Academic Councils, Executive Councils there should be again a

super-university body. This is a most extraordinary thing and I would oppose it most emphatically, and I would ask my honourable friends to see that these recommendations are not given effect to. We are perfectly prepared to submit to the dictation of the Government, but we are not prepared to submit to the control of this new body. If the Government insists on it, in spite of education being a transferred subject, I would ask the House to take into confidence as many men from the universities as possible. The personnel should, I think, consist of, if it is necessary to have a body like that, the following members: The university should be represented by two members of the Executive Council. They need not necessarily be Vice-Chancellors, and perhaps they themselves would not like to meddle with such matters, and there ought to be four members of the Legislative Council elected by the Legislative Council, and there should be of course the Director of Public Instruction. Now, Sir, why do I say that this proposal is of much significance. My reasons are these: The Government, as I showed a few days ago, has succeeded in regulating the rate of progress in literacy in these provinces. Probably it has succeeded throughout the whole of India. I may state here without any fear of contradiction by my esteemed friend the Director of Public Instruction, who is also Deputy Secretary to Government and the Chairman of the Board of Intermediate and High School Education, that the output of literates in English has also been effectively regulated. You can say without any kind of hesitation that the total number of English-knowing persons, excluding of course Europeans and Anglo-Indians, comes to 125,000 out of 46,700,000 after 150 years' connection with the British. Now, Sir, if you ask why I say that the output has been regulated by the Government, my reply is this: Last year, that is in 1923-24, there were 177 recognized schools. In the current year the total is 178— a very remarkable progress. The total number of students who appeared in the High School Examination in the year 1923 came to 5,656. In the year 1924 the total number of students was 5,694—a remarkable progress. Therefore I say that the Government has succeeded in regulating the output of literates and in regulating the output of literates in English in this province. As to this particular recommendation of the Co-ordination Committee, I am doubtful whether it will be really successful because there will be men in the university to whom it will be intolerable and it will take many years before it will be successful. But the Government has been wise to come forward with far larger powers so that it may have some means to be successful in the regulation of the output of graduates and in the regulation of higher education. What will be the effect of this recommendation? Supposing for a minute that a recommendation comes from the Academic Council after it has been approved by the Executive Council on any particular university matter, that is to say, that we should have such and such departments, that we should have such and such posts, and that as a necessary accessory to this department there should be such and such non-recurring expenditure, the result will be that it will be sent to this super-university body. The super-university body will certainly make mistakes. I have got the highest respect for Mr Blunt, who is an extremely intellectual man, but, as I said a few days ago, even Homer nods and we do make mistakes about the changing of courses of study by the heads of departments, for the heads of departments know nothing of that matter. Suppose a recommendation comes

[Dr. Ganesh Prasad.]

from a university that such and such departments should be created and that such and such non-recurring expenditure should be incurred, and if this super-university body does not give its blessing to it, naturally the whole thing, so far as the Government is concerned, is practically dead and gone; but in this province, as it happened in Bengal, the universities being autonomous bodies, they will take money somehow or other, by hook or by crook and with defiance, from Government. I ask the Government whether they are prepared for such humiliation. The next step will be that the Chancellor must take action. The courses having been framed, His Excellency the Chancellor will say that he would veto the ordinance and there the university will come into conflict not only with the department of Education but with His Excellency the Governor as happened in Bengal. I therefore submit that Government should think twenty times before giving effect to this particular recommendation. So far as other recommendations of the Co-ordination Committee are concerned, my position is that of perfect antagonism to the policy of the Government. I am absolutely certain that the policy of the Government is not favourable to the progress of higher education in these provinces. It may be said in reply that Government is spending so much money, Government is doing this and Government is doing that, but the measure of progress cannot be the money spent; the measure of progress is the fruit—how graduates can be turned out, how men can receive higher education. These universities were intended by Sir Harcourt Butler to be on the model of Cambridge and Oxford Universities. Are they so? In the West I know there are several universities which are absolutely inferior to these universities, but whether we are approaching the ideal is the question. The question is the measure of progress and not the money spent. I therefore ask my honourable colleagues to mark their disapproval of this particular recommendation which has received the blessings of the people belonging to the Government and make it clear that we are not enemies of the progress of higher education.

**Khan Bahadur Maulvi Fasih-ud-din:** I join this general debate on university education just to point out a very small matter which has come to my notice. We are very grateful to the Universities of Allahabad and Lucknow for having established classes for preparing students for B. Com. Examination, but my submission is that the treatment meted out by the two universities to their graduates in Commerce is divergent. The Allahabad University allows these students to appear for the M. A. Examination in any of the subjects that they have taken up, while the Lucknow University does not so allow. The difference of treatment to the graduates of Commerce in the two universities results in lowering the position and status of the graduates of the Lucknow University, and I hope that my remarks on the subject will be communicated to the Lucknow University.

The other point to which I wish to refer in this connection is that none of the subjects of the B. Com. Examination is compulsory in any of the other departmental examinations.

For instance, the subject of audit and accounts has not been considered good enough for being made compulsory, even for the examination of finance, nor is it prescribed for the examination of deputy collectors.

Even the subject of general administration has not been prescribed for the examination of deputy collectors. This is a point which requires the serious attention of the university authorities.

**Pandit Govind Ballabh Pant :** I have no quarrel with the Hon'ble Minister if he holds that the catalogue that he gave us of his achievements during the year that is just to close should hold its own as against the progress that was ever achieved by any Minister in any province in the course of history or in this country alone. That is for him to decide, and I leave him quite free to please himself. I only hope that by this statement of his he does not mean to convey to us that there is no room for showing us better, larger or greater progress next year, and he does not mean to suggest that the maximum that can be done during any year by any zealous enthusiast in the cause of education was done by him during the year that is closing. If it is that which he wants us to hope, then perhaps there may be occasion to raise the issue in a more prominent manner than is necessary at the present stage. I had thought that what he had repeatedly told us, his enthusiasm for the cause of primary education was so very profound that he could never think that there could be ultra-enthusiasm for the case, but still he seems to hold that there is a certain stage beyond which one should not be enthusiastic in the cause of primary education despite the fact that more than 95 per cent. of the residents of these provinces are yet submerged in illiteracy and ignorance and despite the fact that very little progress has been made during the many years in spite of enormous expenditure. I am thankful to the Director of Public Instruction for turning my attention to what is more relevant to the debate that is just going on. The point that is before us is, and we have been provoked to defend our position in this connection by the speech of the Hon'ble Minister, whether the expenditure that is being incurred in the cause of university education or on account of the universities is reasonable, proper or excessive. It is on that ground mostly that I support the motion that has just been placed before you by Pandit Nanak Chand.

Before proceeding further I am really sorry that the Co-ordination Committee should have done everything except what it was expected, intended or desired to do. Firstly, the main function of the Co-ordination Committee was expected to be the co-ordination of the studies between the two universities. What was intended by the Economy Committee and what was intended perhaps at the time the declaration was made in the House was that the Co-ordination Committee by reducing the number of Faculties and subjects in one university may be able to reduce the expenditure in one and by concentrating on some particular subjects in the other may be able to reduce the expenditure there. But the only large mouse that has come out of the mountain—Mr. Blunt was the President of that Committee—is a recommendation that Civics in Allahabad might be abolished or Commerce classes in Allahabad might be abolished.

**Dr. Ganesh Prasad :** There is no provision for the teaching of Civics in the Allahabad University.

**Pandit Govind Ballabh Pant :** Civics should not be opened and that Commerce classes might be abolished. If that was all for which the committee was appointed, I wish we had left it alone.

**Raja Jagannath Bakhsh Singh :** Were not History and Geography co-ordinated too ?

**Pandit Govind Ballabh Pant :** Only Geography. It has been suggested that the Chair of Geography should be confined to one of the two universities. My own information is that so far as the universities are concerned, they are dead against some of the recommendations. I do not know how far it is correct because I have no firsthand knowledge of that matter. But there is another point and that is the more important aspect of it. The Co ordination Committee was appointed on the recommendation of the Economy Committee and it was appointed with a view to curtail the expenditure that was being incurred over the universities. At the time the Co ordination Committee was appointed it was agreed that too much was being spent over these universities and that a committee should be appointed in order to suggest ways and means for curtailing the expenditure and the obvious method seemed to be the co-ordination of studies in the two universities so that when the two places are only a few hours' journey from each other it may not be necessary to have duplication in studies, at least so far as the higher and research studies are concerned, and that would necessarily lead to certain economies. But contrary to that the Co-ordination Committee has only made a recommendation which means a recurring excess in expenditure of about a lakh and a half or a lakh and a quarter. The amount that was provided last year for the universities came to 17,60, and it included about 1½ lakhs on account of non-recurring expenditure, so that the recurring expenditure that was provided last year was about sixteen lakhs. If you take away from that 2,37, which is incurred on account of the medical hospital here, then the net balance would be about 18,63,. Now this year in place of that we have got, taking away one and a half lakhs roughly on account of non-recurring expenditure, something like fifteen lakhs, so that the labours of the Co-ordination Committee have only led to an addition of about 1½ lakhs on account of university grants and that in a year when the total grant for education has come down, taking away the expenditure on account of the medical hospital, from an original provision of 1,67,67, to 1,67,55,. When there is an ostensible reduction in the amount, as I say, excluding the expenditure on account of the medical hospital, we are being asked to give a larger amount for the universities. That has been the result of the labours of the Co-ordination Committee. I still hold that it should be possible for the universities to so co-ordinate their studies that there may not be much of duplication : some of the studies may be concentrated at one place and some at the other, and if research classes are so co-ordinated I think there should be room for enormous economy.

Now let us see what amount we are spending over these universities. The total number of students in these provinces who are receiving collegiate education may roughly be put at five thousand—I am giving a number almost that is there, even in excess. Of that the number that is receiving education in these universities comes to about 1,800, and if you take away from that the students who are receiving education in low classes, as there the expenditure is only nominal, then it would come to something between twelve and thirteen hundred. Now that is almost the total proportion of students receiving university education—it comes to 41



per cent. in the whole province, and if you only took that proportion which is receiving education in these universities it would come to 11 per cent, that is of students receiving education in the province out of 10,000 only one is receiving education in the universities. Now, we are on the other hand being required to contribute something like 15 lakhs for the education of 1,300 boys, which means a grant of more than one thousand per year per boy. Well, if the province can afford it, or if it, means that there should be no further progress, or if the Hon'ble Minister has got such a plethora of money that he only wants to find out the best means for spending it, I have no objection; but I personally feel that finances have certain limitations, and my impression is supported when I look at the statement obtained from the Government in reply to questions I put. I had asked them how many schemes were standing over because there was no money available. You will be surprised to see that schemes like this have not been fed for want of money and which concerned the Education department. I will give you a few instances to show what enormous sums of money have not been available because of the financial stringency. There is the construction of a new hostel for the Government High School, Muzaffarnagar, Rs. 52,000. That is rather a large amount. There is another for paying the Government High School, Fyzabad, with stone slabs Rs. 9,000, the constructing of six class rooms and a hall in the Government English Middle School, Prayag. Rs. 34,000, a new hostel at the Government High School, Muzaffarnagar, Rs. 18,000, making certain additions to the school at Cawnpore Rs. 5,000, extending the kitchen in the High School at Meerut Rs. 1,081, wire fences at a school, levelling the ground at another, and so on, that is items amounting to Rs. 100 and Rs. 200 have not been found by the Education department because of financial stringency. In this schedule which is before me there are at least more than 100 heads that relate to the Education department. The other day I was reading the report of the Director of Public Instruction for education for last year, and there I came across a sentence from the report of the Inspector of Benares in which it is said that at least 20 per cent. of the primary schools are held under the trees or in the open sunshine and the boys are exposed to the inclemencies of the weather, to the rains as well as the summer. Well, I put it to the Hon'ble Minister, in spite of the charge of ultra-enthusiasm for primary education which he has levelled at us, whether his humanitarian sentiments are satisfied that, while thousands are provided for the education of 600 boys in one university and 600 odd boys in another university, money should not be available even for these urgent purposes where the health, the very life of little boys is concerned? Then I go further and put it that in the statement that the Hon'ble Minister has given us in the budget he has presented is there any provision for vocational and technical education which we want extended all over and in all the schools? Is there any provision for the national education or social service which you were so pleased to accept even in its attenuated form? Is there any provision for military education? Is there any provision for physical culture training? Well, if you cannot find money for these, then we say, and say deliberately and decidedly, however useful university education may be—and we realize that so far as leaders of thought, persons having the capacity for research are concerned, they can be turned out of the universities alone—even with that before us, after all, however good a thing m

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be we have to cut our coat according to our cloth. And looking at it we do level the charge that too much is being spent on University education and that it is absolutely necessary that some sort of economy should be made and money found for other and more beneficial purposes.

**Kunwar Jagdish Prasad :** The Government is in rather a difficult position. It is between two cross fires. My honourable and learned friend, the member for the University, said that Government were entirely opposed to University education, that we had not enough universities. My honourable friend, the leader of the *swaraj* party, says too much money is being spent on universities . . .

**Dr. Ganesh Prasad :** I never said that Government was entirely opposed to University education.

**Kunwar Jagdish Prasad :** The first point the House will have to decide is should there be two provincial universities or should there not be two provincial universities. Should the two all-India universities exist or should they not. I suppose no honourable member wishes to suggest that the number of universities should be reduced, because I would again remind the House that the two all-India universities are the result of the generosity and the effort of the people of the country, I mean the Aligarh Muslim University and the Benares Hindu University. As regards the Lucknow University, as I said last year, that too is due to the generosity and enthusiasm for education of the taluqdars of Oudh. The Allahabad University had existed before the Reforms came in. The House will have to decide whether the number of the universities should remain as at present. If, as I take it, the answer will be that they should remain, the next question they have to decide is, can the universities, the two provincial universities, be maintained at a high level of efficiency by reducing the cost? The House, when the question of the two Universities of Aligarh and Benares came up, unanimously resolved that a recurring grant of Rs. 1,50,000 each should be given, so I take it that honourable members of the House were convinced that, so far as those universities were concerned, the funds that were being spent on them at present were not adequate to their needs. When the question came up a little while ago, when my honourable friend Mr. David moved that the grant for the Lucknow University be reduced by Rs. 93,000, the House unanimously rejected that motion, by which, I take it that we were satisfied that the grant proposed for the Lucknow University is not excessive, and that what we have provided is the minimum required for the purpose of conducting efficiently the Lucknow University. Nor was there any reduction at that stage as regards the Allahabad University. The House will have to decide—the main point for consideration is, are our universities being excessively financed—can they be run efficiently by being given grants of lesser amounts than at present? As far as I have been able to understand the sense of the House, nobody hitherto has suggested that the grants made at present to the universities are excessive. The honourable member has said something about the Co-ordination Committee. Well, Sir, the Economy Committee suggested that the question of the finance of the universities should be referred to a Co-ordination Committee. We appointed the committee. The

personnel of the committee is given in the report. It contained representatives of the two universities, it contained non-official representatives, and the unanimous decision of that committee is that no economies, no large economies, are possible. They have made certain proposals about the pay of the Vice-Chancellor and the pay of the registrar, but they say that no large economies are possible. They considered also the co-ordination of studies—they came to a decision—a negative decision, but nonetheless important, that there is no possibility of making any reduction in the expenses by co-ordinating studies.

**Pandit Govind Ballabh Pant :** May I inquire if Rai Bahadur Lala Sita Ram's note is also published in the report ?

**Kunwar Jagdish Prasad :** The whole report was published in the Gazette, together with the note of Rai Bahadur Lala Sita Ram, in which he said that certain chairs which the committee proposed abolishing should not be abolished. The report is published, together with the note, in the Gazette. What we have done with this report is that we have sent it to the two universities concerned and have asked for their views. The Government have not formulated any decision in regard to the recommendations of the committee. I think the House will agree that this was the only course open to Government. We appointed what we considered to be an efficient and thoroughly representative committee ; we have published the report of that committee in the Gazette for information ; and we have hitherto received no criticisms on that report. We have forwarded copies of that report to the two universities. I think the House will agree that these are the only steps so far possible.

**Dr. Ganesh Prasad :** Was that particular matter about an advisory committee consisting of Vice-Chancellor and two non-official members of this House submitted to the Allahabad University ?

**Kunwar Jagdish Prasad :** Every recommendation of the committee has been sent. The whole report has been sent to the universities, as far as I know. That was the intention of the Government.

**Dr. Ganesh Prasad :** My information is that this particular recommendation was not placed before the Executive Council.

**Kunwar Jagdish Prasad :** It was our intention that the report as a whole, not in any truncated form, with any portions removed, should be sent to the universities for their views ; and my information is that it has been so sent. I shall, however, look into this particular matter referred to by my honourable friend. I am afraid I cannot get hold of that particular letter immediately.

**Babu Mohan Lal Saksena :** May I know if any evidence was taken by the committee and if any suggestions were invited from the public ?

**Kunwar Jagdish Prasad :** I think nobody offered to give evidence before the committee. I think if the honourable member's valuable views were available to the committee they would have been considered.

**Babu Mohan Lal Saksena :** I wanted to know whether they informed the public of the dates of the sittings of the committee ?

**Kunwar Jagdish Prasad :** I am sure the President of the committee, who is here, will be able to say. If my honourable friend had sent in his views, or will send them now, Government will be prepared to consider them.

**Babu Mohan Lal Saksena :** Was Dr Ganesh Prasad, who had put in a motion for cutting down the grant, invited?

**Kunwar Jagdish Prasad :** Dr. Ganesh Prasad has, I hope, now changed his views in regard to grants to the two universities. I should think he cannot be counted as a supporter of any cuts as regards University education.

**Dr. Ganesh Prasad :** As I said, I am quite against one particular recommendation of the Co-ordination Committee and I wanted my honourable friends here to mark their disapproval of that particular policy of Government. As regards further cuts, as I said in my speech on Mr. David's motion, I am entirely satisfied with the improvements that are being made in the two universities.

**Kunwar Jagdish Prasad :** As I said, Government have not formulated any policy. These are the views of the committee, not the views of the Government. I have made myself clear, I think, that these are the views of the committee and not the views of the Government. The Government have published the report of the committee?

**Babu Mohan Lal Saksena :** Has Government come to any decision?

**Kunwar Jagdish Prasad :** I have said time and again that we have not formulated any decision. We have sent the report to the universities for their views. We have not come to any decision, and we cannot, because the universities have not yet sent in their views.

**Pandit Nanak Chand :** Are honourable members in order in addressing each other direct?

**The Deputy President :** It is irregular.

**Kunwar Jagdish Prasad :** I think this discussion has turned into a debate on the recommendations of the Co-ordination Committee. As I said before, Government have formulated no conclusions; they have come to no decision. I want to make this quite clear to the House. Government themselves have formulated no policy yet in regard to the recommendations of the University Committee.

The only other point which I wish to mention is what my honourable friend Khan Bahadur Maulvi Fasih-ud-din said about the B. Com. degree. I think it is a matter entirely for the university. The question whether the B. Com. degree should qualify for the LL.B. examination was, I believe, considered by the faculty of Law and I think they were entirely against any such proposal. This is an academic matter whether a particular degree is a sufficient preparation for a particular examination or not. I think this House will be well advised not to give a decision on a point which, I would again submit, is a matter of a purely academic character.

**The Hon'ble Lieut Nawab Muhammad Ahmad Sa'id Khan :** It is very unusual for a member who is not in charge of the particular department to intervene in the debate. As far as educational problems are concerned, the Education Secretary and my honourable colleague the Minister for Education will reply. But the point for which I have stood is that when I entered the chamber I found my honourable friend, the member from my own district, on his legs making some speech. In that speech he was discussing the Reforms despatch of this Government and our note on it and also the note of the Hon'ble the Home Member. I did not hear all that he said.

**Pandit Nanak Chand :** I was not discussing the notes of either the Hon'ble the Home Member or the Ministers. I merely referred to the fact that they have been published

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The only impression—it may be wrong, for I heard only the last portion of the speech—the impression was that he wanted to show on certain points whether we agreed or did not agree with the Governor in Council, or something of that sort. As I did not hear the whole speech, I will be glad if the honourable member will throw some light.

**Mr Mukandi Lal :** So far my honourable friend, the Education Secretary, counted only on two fires. Now he has to cope with a third fire. The third fire comes from a different quarter, i.e., it comes from one of the admirers of University education. Let me point out to him that he was not quite correct when he said that we are opposed to higher and University education. We lend our support to the motion on this ground that the Government is not spending proportionately as much money on primary education as it ought to, and is not doing as much for primary education as it ought to. As a matter of fact we have advocated the cause of giving more money to the Aligarh University and the Benares University. That itself should assure my honourable friend that we are not against higher education. Our grievance is that Government is not making proper use of the money. It ought to give more money to primary education, and have better education in the universities.

The next objection is on the general grounds of the administration of the universities, and on the scope of the universities. We have also to see whether the universities are being conducted on proper lines or not. That is the contribution I want to make to the debate this afternoon. First of all, we must not forget that in the scheme of our universities there must be the reflection of the best in the nation, of its culture and ideals. Do we find in our universities the ideals of our people, the best in the culture of the nation? Have our universities given sufficient scope to our classical languages—Persian, Arabic and Sanskrit? It was Lord Ronaldshay who said, "A knowledge of Sanskrit is essential to the culture and refinement of a true gentleman." I would say that no Indian can be a truly cultured Indian unless he has got a knowledge of at least one of the classical languages. In the old Universities of Oxford and Cambridge, though Greek and Latin are not their national languages, yet they give a thorough grounding in those languages, and the study of the classics is considered of a primary necessity. The same can be said of Ancient Indian History. We do not find truly national History occupying prominent place in our universities. For instance Allahabad has no provision for the teaching of Ancient Indian History. The universities are meant for teaching higher and better life. Without this provision for the higher studies of the classics and National History there cannot be good and true education in the universities. Another serious omission in the Allahabad University is that of the Chair of Civics and Politics. In modern times, at least, no university can be worth its name which does not give a training in Civics and Politics. Politics and Civics are the sciences of modern life and statecraft.

I now come to the other point and that is about co-ordination. I am glad this question has been discussed by the House and I hope Government will take into consideration this fact that it is a very unfortunate

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thing in our country that we take to the ideals that are being given up in European countries. The University of Oxford and the University of Cambridge were so long so well known for specializing exclusively in certain departments. Oxford so far was only known for the study of *Literae Humaniores* or "Greats," classical studies, and philosophy. Year after year Oxford has added to the list of the subjects studied there. It has got now a school of Modern History, school of English literature, school of Modern Languages; and now in 1921, we find that Oxford has added a school of Philosophy and a school of Politics and Economics, though these departments were so far studied exclusively at Cambridge. Cambridge used to specialize in Mathematics and Natural Sciences, but now they have not only Mathematical Tripos and Natural Science Tripos, but they are trying to become self contained and are adding more departments. That is to say, the idea is that each university must be in itself a complete university and have as many departments of knowledge as it can; and on this point I would give you the opinion of the Royal Commission which was appointed in November, 1919, to discuss the future of the Oxford and Cambridge Universities and the question of co-ordination and State aid, they said:—"There could be no greater or more disastrous mistake than for the State to encourage or permit the development of Oxford as a "Humanities" and Cambridge as a "Science" University. Both Universities and both sets of studies would suffer intellectual and moral impoverishment. The great value of the universities is the juxtaposition, intellectually and socially, of the best minds in diverse subjects, and the constant interaction of the Humanities and Science on one another." That, I suppose, is the final verdict as to whether the University should be self-contained or not. Then comes the second position.

The second question is this, how far we should allow the State to interfere in the management of the university. In this matter also I differ from the Government point of view, that is to say I notice that the Government is inclined to interfere more and more in the administration and studies of the University. You know it is a well-established historical fact that the universities do not like the idea of State interference and that is why the Oxford and Cambridge Universities have always been very jealous of Government interference. I know that in the Tudor times and the Stuart days the kings have interfered with the universities. But finally—perhaps people might think I am relating historical facts, but if the discussion on the universities is not to exhibit our historical knowledge, I do not know when it can be—from 1668 onwards the interference of the State has been discouraged. Between 1850 and 1882 various commissions were appointed and questions of State aid were dealt with; and finally, we had the Statutes of 1882 which have given the universities statutory powers to govern themselves. But unfortunately the Oxford and Cambridge Universities fell on bad days, rather became poorer and poorer, and they themselves invited help and munificence from the State. Now, the State said "If you want our help and our aid we must have a voice in your management. That is why the Royal Commission was appointed; and they discussed this point as to how far these universities should be interfered with by the Government. Here, again, I will quote from the Royal Commission's verdict so that it may enlighten the honourable members and the Government as to how far the State must interfere with the affairs of the

university. There it has been proposed by the university that the principal purposes for which we recommend a grant of public money are as follows:—"Proper salaries and pensions for university teachers, which should be a first charge on any public grant; secondly, the adequate maintenance of the university libraries and museums; the endowment of research and advanced teaching, including more professors, readers, and university or Faculty lecturers, and more research studentships for young graduates; the most pressing needs of maintenance in respect of laboratories and departmental libraries, as part of the apparatus of teaching and research; and the provision in both universities of Sites and Buildings Funds. (It will be noted that for reasons of public economy we do not recommend a grant of capital moneys for buildings.)" That is the purpose for which the Royal Commission decided that the grant should be given.

A great factor which we find missing in our universities, is the question of Extension Lectures. In 1873, the system was first introduced by Mr. James Stuart at Cambridge. Since it has become a practice with Oxford and Cambridge to have a series of extension lectures in the universities. These extension lectures are supposed to be lectures for "busy adults." This system of extension lectures is wanting in our universities. The second point, and a most essential point, is this; if the Universities of Lucknow and Allahabad are to become residential universities, there ought to be a tutorial system, there ought to be quarters for professors, tutors and lecturers in the university grounds so that they may constantly come in touch with the students they may live with them, they may influence their morals and infuse in them higher ideals. Putting, say, 100 students together does not make it a residential university, unless you have a tutorial system, unless you have provision for professors and lecturers to come in touch with them and live together, as members of the same corporation. Another point that has been rightly urged is the idea of importing professors from other countries. By way of parenthesis, here also I may express my dissent from the honourable members who are against importing professors from outside these provinces. I urge the members of this House not to take into consideration communal or professorial interests; we must welcome lecturers, professors, and teachers from wherever they come, whether they come from Bengal or Madras, or whether they hail from Europe or America. We must go in for learning, science, and knowledge and not for provincialization; we must go in for advancement of learning and knowledge. We have universities not for jobbery, but for learning.

I may point out another fact in this connection which also we must take into consideration. We should view these affairs in the light of the experience gained by other universities and if we have set up this ideal of learning, science, and culture before us that these universities must train our men in, then we cannot lose sight of the difficulties that they have had to put up with in spreading the higher ideals of life. We have to overcome the same.

One more point and I have finished. That is to say, there has, I think, been some mistake in calculating the figures regarding college or university students. I am convinced that in our universities there are more than 5,000 students. As a matter of fact the Education department gives the figure as 4,177 students, in the universities, probably professional colleges are excluded from it. The figures that I have given

[Mr. Mukandi Lal.]

are 5,522 students in the colleges. These include students of professional colleges, that is why there is this discrepancy. In this respect I may point out that we spend as much on education as Bengal does. Yet in Bengal there are 16,000 students in colleges. Therefore because we are spending nearly as much, to be exact we spend 40 thousand more, than they do in Bengal from State revenue we should not feel shy to spend more in educational matters. As a matter of fact we find that in Bengal they spend over 3 crores and odd on education, though the Government only gives Rs. 1,25,36,000, that is to say, the balance comes from other sources. Now it may be urged that in these provinces we do not get much from other sources. The State has got to spend more in these provinces because the private income and resources of the universities are small. There are persons in other provinces forthcoming to make endowments, and donations, but unfortunately here we are not ready to make endowments and therefore it is very necessary for Government that they should spend more and more money on University education than they are spending at present. I express my dissatisfaction with the present expenditure on University education. I support the motion of Pandit Nanak Chand.

One word more and I have finished. Unfortunately this is the opinion which has been urged by this Government in their note that they gave to the Reforms Inquiry Committee. They say: "The universities impelled by financial pressure have begun to compete for students and the easier they make their courses and examinations the more likely are they to be successful. This re-acts on secondary education." That is to say, if this is really the opinion of this Government, there is more reason for the honourable members to vote for this motion, so that we may show our difference of opinion from the Government and show that we do not accept the view that our universities are making their examinations easier and easier so that they may get more and more students, a step which is likely to reflect on secondary education. I protest against such a suggestion. I support the token motion to indicate my dissatisfaction with the teaching in the universities.

**Babu Mohan Lal Saksena:** I want to ask one question from the Hon'ble Minister in this connection. It is this: Whether he has provided the sum for grants to universities because the Government has accepted the recommendation of the Co-ordination Committee in that respect or because it happens to be a convenient figure?

**The Hon'ble Rai Rajeshwar Bali:** With regard to the question that has just been put, I may say that this sum is put as a result of the recommendation made by the Co-ordination Committee. We have not examined its other proposals, but as this budget was going to be prepared we accepted this sum as a convenient sum with regard to the two universities.

**Babu Mohan Lal Saksena:** So it is only a temporary arrangement?

**The Hon'ble Rai Rajeshwar Bali:** No. It is not a temporary arrangement. These figures we have accepted for the two universities for five years.

Now, Sir, a number of points have been raised during this debate in regard to University education. But I wish to confine myself to one or two of them which are rather of an important nature. My friend Pandit



Govind Ballabh Pant has said that we are spending too much on university and too little on primary education. I am glad that my friend the member for Garhwal has spoken at great length in order to show the importance of University education and I whole-heartedly agree with him.

In fact I regard university education as a pivot on which the entire national progress depends. While I agree that we should do more for vernacular education I do not agree for a moment with the honourable member for Naini Tal that we should be spending less on University education. If I were to quote figures it would be found that even proportionately we are not spending too much on University education. I have these figures worked out; and it will be found that out of the total sum that we spend on education 42 per cent. goes to the Vernacular education, 29 per cent. to secondary education, and only 16 per cent. to the University education. I hope that the House will agree that 16 per cent. of the total expenditure that we are spending on University education is not a very large sum . . .

**Thakur Sadho Singh :** But what is the proportion of the people ?

**The Hon'ble Rai Rajeshwar Bali :** Naturally the universities need more expensive teachers and equipments and therefore the proportion of expenditure per student there will be higher than what it would be in the case of secondary or primary education . . .

**Babu Mohan Lal Saksena :** May I know the proportion of expenditure that is incurred in regard to secondary, primary and University education in other provinces ? Is the Hon'ble Minister aware of the proportion in Bombay ?

**The Hon'ble Rai Rajeshwar Bali :** I cannot give it just now. Perhaps it may be found in the Economy Committee's report. The point that I wanted to make out is that 16 per cent. of the total expenditure which is spent on the universities cannot be regarded as too high. Then it was said that we are providing nothing for vernacular education. I may just point out that even in this budget we are providing two lakhs to be given to the district boards in the interests of vernacular education. As for national education, vocational education, military drill and so on, I do not know what expenditure is meant to be incurred on these. The chief point that was pressed on that day was about national songs and text-books. That does not require any new expenditure. As for military drill, this resolution was too late to include any provision in the budget on that account. Moreover, what we have agreed to is that we would appoint a committee, and unless we know what expenditure is needed we cannot make any provision in the budget.

**Babu Sita Ram :** What about technical education ?

**The Hon'ble Rai Rajeshwar Bali :** I have already referred the honourable members to the suggestion of the Hon'ble the Finance Member. We would very gladly come with supplementary estimates to provide for manual training classes early in April.

**Babu Mohan Lal Saksena :** May I know if any provision has been made for primary education in view of the recommendations of the Deputy Director ?

**The Hon'ble Rai Rajeshwar Bali :** Those recommendations have not yet been considered either by the Government or by this Council. As I

[The Hon'ble Rai Rajeshwar Bali.]

said early in the day, those recommendations will be considered and I will introduce a Bill with regard to the expansion of primary education in this House, and unless the House has expressed its opinion, how can we make any provision?

One point has been made by the member for Bulandshahr, and that is with reference to the despatch sent by this Government before the Reforms Inquiry Committee. I may say that the views expressed there are the views expressed by the Governor in Council.

**Pandit Nanak Chand:** May I know whether these views were previously approved by the Ministers and, if not, what steps did they take to repudiate the suggestion?

**The Hon'ble Rai Rajeshwar Bali:** I am afraid that I cannot disclose the discussions that go on inside the Cabinet.

The question was put and the Council divided as below :—

*Ayes* (29).

Babu Narayan Prasad Arora.  
Babu Sangam Lal  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Jai Narayan Chaudhri  
Babu Bhagwati Sahai Bedar  
Thakur Manjit Singh Rathor  
Pandit Nanak Chand.  
Thakur Shib Narayan Singh.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Thakur Sadho Singh  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande

Pandit Sri Krishna Dutt Paliwal  
Babu Parsadh Narayan Anad.  
Pandit Yagna Narayan Upadhyay.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr Mukandi Lal.  
Babu Ram Chandra Sinha  
Dr. Jaikaran Nath Misra.  
Babu Sita Ram.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Naim Ansari.  
Maulvi Zahur-ud-din.  
Maulvi Abdul Hakim.  
Dr. Ganesh Prasad.

*Noes* (48).

The Hon'ble Mr S. P. O'Donnell  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn  
Mr. B. J. K. Hallows.  
Mr. C. Moss King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad Ejaz Rasul Khan.  
Raja Bahadur Brij Narayan Rai.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.

Lala Babu Lal.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rao Sahib Kunwar Sardar Singh.  
Lieut. Raja Durga Narayan Singh.  
Lieut. Raja Bahadur Hukm Tej Pratap  
Singh.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Baij Nath Misra.  
Kunwar Rajendra Singh.  
Rai Bahadur Thakur Mashal Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Suifi.  
Lieut. Nawab Jamshed Ali Khan.  
Maulvi Obaid-ul-Rahman Khan.  
Hafiz Hidayat Husain.  
Nawab Muhammad Yusuf.  
Dr. Shafat Ahmad Khan.  
Sayid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.

Motion negatived.

**Dr. Ganesh Prasad :** I beg to move that the demand of Rs. 48,600 in respect of the item regarding Government arts colleges at page 68 of the Detailed Estimates be reduced by Rs. 10.

My object in bringing forward this motion is to invite the attention of this honourable House and the Government to certain defects in the administration of the Government Sanskrit College, Benares. On the 25th October, 1924, a certain *Samiti*, called the *Kashi Pariksha San-shodhak Samiti* of the Pandits of Benares, held at Mahamahopadhyaya Pandit Shiv Kumar Shastri's house, with Mahamahopadhyaya Pandit Ajodhya Nath Sharma in the chair, passed certain resolutions, copies of which were forwarded to the Hon'ble Minister of Education, the Hon'ble the Education Secretary, my honourable friend Mr. Mackenzie and my humbleself, as being a resident of Benares I am supposed to take interest in the educational affairs of that city. About five months have now elapsed, and we do not know what action the Government has taken on those resolutions : I shall, however, be quite satisfied if it gives an assurance to the Council that proper steps will be taken to remedy the defects pointed out in the resolutions.

The resolutions, broadly speaking, covered two fields, the first relating to certain irregularities or malpractices that prevail in the institution. On that field I think my honourable friend, Pandit Yajna Narayan Upadhyaya, who is a Sanskrit scholar and a Brahman, is in a better position to speak than I. Another field covered by the resolutions was the *Pariksha Board* and a number of constructive suggestions with a view to improve the present state of affairs have been made in some of the resolutions. The *Samiti* recommended that the present Board, which consists of six members, of whom four are Government servants, should be expanded. The total number of subjects in which various examinations from *Prathama* to *Uttama* are held is nine, and it is quite obvious that six Pandits, however distinguished they may be, cannot possibly do justice to all these subjects. I wonder if my honourable friend, the Minister of Education, is aware of the fact that in Bengal there are two different boards, one at Calcutta and the other at Dacca, each of which consists of much more than six members, and is very well represented by non-official members of the Council. If the Education department wishes to have further information on the subject, it should not be difficult for the department to obtain it. My own impression is that the existing board at Benares should be expanded as desired by the Pandits. If, for instance, you have a body of, say, twenty-five members, you can very easily divide it into two parts, one to deal with the courses of studies and the academic side of the examinations, and the other to act as an executive body like the executive council or syndicate in a university. Some such alteration in the constitution is absolutely necessary. If my honourable friend, the Kunwar Sahib, or the Director of Public Instruction gives some assurance that the Government would look into this question and deal with it with care then I am perfectly willing to withdraw this motion. I hope my honourable friend, Pandit Yajna Narayan Upadhyaya, will deal with the other side of the question, which is also of great importance, and which he covered to a certain extent in his speech relating to the general discussion of the budget.

**Pandit Yajna Narayan Upadhyaya :** During the general discussion on the budget, I spoke a few words in connection with the Government Sanskrit

[Pandit Yajna Narayan Upadhyā.]

College at Benares and I made reference to corrupt practices going on there. I am not going to enter into details in that respect, but I submit, Sir, that the Sanskrit College at Benares at present is managed very carelessly. I see that there are three different authorities which manage the affairs of the college. At one place I see the Principal of the Government Sanskrit College. At another place I find the Inspector of Sanskrit Pathshalas, and in the third place I see the Librarian in charge of the Government Sanskrit College library. I do not know how these three people are working, but it is evident from the various publications in the papers that they are not working harmoniously. This is the thing which has brought about the wretched condition of the Sanskrit studies in these days. Then, Sir, I see that the courses of study for the Sanskrit College were prescribed about 20 years ago, and no revision has been made. Only a very slight revision has been made very recently. I say that the courses of study in the Sanskrit College require complete overhauling and we think that it is very necessary that the courses of Sanskrit study, the distribution of scholarships to students, the distribution of grants-in-aid to the Sanskrit pathshalas and other matters in connection with the Sanskrit College should be carefully considered and should be carefully dealt with. If that is not done the hopeless condition of the Sanskrit College would remain as it is.

**Kunwar Jagdish Prasad :** In discussing educational questions and also in forwarding and framing resolutions I find, Sir, that doctors of learning, whether they are doctors of Sanskrit or doctors in other subjects, bring in an amount of heat and vehemence, specially if they are Brahmans, which doctors in other professions usually are free from. I do not say that all the nine resolutions which were passed by the *Samiti* are open to this charge. This resolution which I will read out to the House, no doubt, will receive the approval of honourable members. It says: "That Dr. Ganesh Prasad, M.L.C., be requested to place these resolutions before the Legislative Council and take any action he deems necessary in order to bring about the necessary reforms." I am glad to see that even the Pandits of Benares in their leisured seclusion are beginning to realize the growing importance of the Legislative Council. I also think, and I hope the whole House will agree, that they could not have selected a more competent and a more well-informed advocate for their cause. Therefore, so far as this particular resolution is concerned, we may agree that learning need not be divorced from worldly wisdom. But I come to the next resolution in which learning seems to have receded to the background. The resolution says: "As to the post of the Registrar, in the opinion of the *Samiti* the Inspector of Sanskrit Pathshalas would be the right man in the right place. By his appointment everything would be all right. They further resolved that he should be the Chairman of the Board of Sanskrit studies. With some doctrinal inconsistency the next resolution criticizes the constitution of this board. It says—and here, I am afraid, the charge that I made in the beginning of my speech about vehemence holds true. It says that "The board, as it is, is utterly unfit." Now, Sir, one of the members of this particular board is the Inspector of Sanskrit Pathshalas by whose appointment as Chairman and Registrar everything according to the *Samiti* will be all right. Therefore, when we received these resolutions we were in some legitimate doubts

as to what the springs were behind this particular recommendation of the committee. However, we have decided that my honourable friend, the Director of Public Instruction, should proceed to Benares and should look into the administration of the Sanskrit College and one of the points he will examine will be whether the constitution of the Board of Studies, which was formed in 1922, is working well or whether it is in need of reform. We have every desire that this Sanskrit College and its examinations should maintain their reputation and we will take every step to see that no action is taken which will, in any way, affect the reputation of its examinations or make the working of the college less efficient than it has been in the past.

**Mr. A. H. Mackenzie :** I should like to say a word or two about this motion, with particular reference to the remarks of Pandit Yajna Narayan Upadhyā. He referred to the remarks he had made in the course of the general discussion on the budget in regard to the examinations conducted by the Sanskrit College. His remarks, in my opinion, were most unjust and unfair. He said that there were malpractices in connection with these examinations. I think that if he had evidence that there were any such malpractices, it was his first duty to bring his evidence to the notice of the department, so that the department could have taken what steps were necessary in the interests of the students. He has never communicated with the department and I do not believe he had any evidence on which to base a statement of this kind. He has made an accusation against an institution with which he was himself once connected, and which for reasons he knows better than I do, he now appears to wish to injure. Instead of bringing the matter to the notice of the department, he prefers, under the protection of the House to make a statement which is in my opinion a scandalous statement. Dr. Ganesh Prasad has, however, acted in a different manner, in a manner which I much appreciate. Some months ago he received a representation from certain Pandits in Benares and he sent that representation to me.

**Dr. Ganesh Prasad :** May I just correct my honourable friend, the Director of Public Instruction? I did not send the representation; the Pandits sent the representation independently, but, I may say, that as on many other topics I did speak privately to my very esteemed friend, the Director of Public Instruction.

**Mr. A. H. Mackenzie :** I appreciate the fact that he brought this matter to my notice because he believed that there were grievances which we should inquire into. We inquired into them. We made a very thorough inquiry and the result of that inquiry was that, in my opinion, there was no substantial foundation for the serious allegations that were made. At the same time, as the Education Secretary has said, I am to visit Benares and I think it is possible that I may be able to suggest improvements in the constitution of the committee to which my friend, Dr. Ganesh Prasad has referred, or in other matters. By going there I do not intend in any way to cast a reflection on the institution. It is an institution which is rather outside the ordinary sphere of university work and is consequently seldom visited by the head of the department. I shall see to what extent we can improve it and help it to develop, so that it may be an institution worthy in every respect of the United Provinces.

**Pandit Yajna Narayan Upadhya :** The mean and ungentlemanly attack which the Director of Public Instruction has made.

**The Deputy President :** I strongly object to these remarks. Several honourable members :—Order, order.

**Babu Mohan Lal Saksena :** Is not Mr. Yajna Narayan Upadhya entitled to make a personal explanation ?

**The Deputy President :** This is not a personal explanation, it is a personal attack.

**Lala Mathura Prasad Mehrotra :** I rise to join in this debate in connection with the Benares Sanskrit College. I am very glad to hear from the Education Secretary that the Director of Public Instruction is going there to make an inquiry into the affairs. I have also to point out one grievance of the scholars of the college and so I thought it better to point it out now so that the Director may take that also into consideration when he is going to make an inquiry.

Sir, there is at present no arrangement for the comparative study and research of modern and ancient mathematics and astrology. Formerly there used to be a chair for that and for the first time Mahamahopadhyaya Pandit Bipudeo Shastri, C.I.E., was appointed to the chair. After him Pandit Sudhakar Dwivedi was appointed.

(At this stage the Hon'ble the President resumed the Chair.)

After Pandit Sudhakar Dwivedi the chair was not given to anybody. Sir, as, we know, a number of posts—Acharya scholarships of Rs. 20 each—are given in the college by the Government and a number of scholarships—I do not know the exact number—called Sadhulal scholarships are also given in some subjects, but I am sorry to bring to the notice of the Government as well as of this House that there is no arrangement for studying that particular subject, and hence this money is not properly utilized. Sir, the Indians have acquired such a knowledge in philosophy and logic as may be said to come to perfection to a certain extent, but this is a subject in which they have to study the modern methods. There are no professors to teach the scholars and therefore how can the scholars learn the ways to find out the exact time of eclipses and the rising and setting of Venus ? This is a particular point on which the Pandits are required to know a great deal, but there is no arrangement at all for the time-being. Government gave a scholarship to the son of Pandit Sudhakar Dube and he studied continuously for four years, but I do not know why he has not been appointed to the chair which is vacant till now. I hope that when the Director of Public Instruction goes there for the inquiry, he will inquire into this matter particularly and make arrangement for those students who get scholarships, but find no arrangement for a comparative study of modern and ancient mathematics and astrology.

**Dr. Ganesh Prasad :** May I just say a word ? I beg to withdraw this motion in view of the assurance given on behalf of the Government by the Education Secretary.

**The Hon'ble the President :** Is it your pleasure that the motion be withdrawn ?

Some honourable members from the Speaker's Bench : No.

Motion negatived.

**The Hon'ble the President :** To what particular items do motions 11 and 12 relate ?

**Pandit Govind Ballabh Pant :** They relate to the Roorkee College.

**The Hon'ble the President :** Are they lump cuts in the college budget ?

**Pandit Govind Ballabh Pant :** Yes, Sir.

**The Hon'ble the President :** I am in some difficulty in dealing with these lump cuts in what I may call single items: for instance the Roorkee College; it consists of several small items, but the College budget might be considered one item. On the paper there are motions, for lump cuts in the total expenditure on the college. This will actually cover a large number of items. There are proposals also for various reductions among those items. We are thus in a way likely to cover the same ground twice. I am inclined to think that it will be better to take lump cuts first. I do not mean in the whole demand, I mean in the item—and dispose of them. If such a motion is carried, of course then the motions regarding individual items fall to the ground. On the other hand, it may deprive the Council of the opportunity of discussing individual items. If members who propose general cuts would distribute their cuts over different items it would obviate the difficulty.

**Pandit Govind Ballabh Pant :** I put the resolution in this form because if we had taken items individually it would have taken up much more time, as we would have to stand again and again to speak. In this way I thought we might be able to cover the business more speedily. And, moreover, it is only in the end that we have this distinction of voted and non-voted. So that the items in between are not . . .

**The Hon'ble the President :** The question is whether it would not be better to take the general cut first and if that is rejected then to take up the demand item by item. Of course, a general cut in the total grant is another matter. That has to come last. The point is as to whether in this case it is better to treat the college itself as one item and only discuss individual points in it later, if the lump cut is rejected.

**Mr. Muhammad Aslam Saifi :** I should like to know if I shall be allowed to speak on the motion of the bigger cut with regard to the item about the college. Suppose my speech refers to some special item which is included in that big cut—would I be allowed to speak ?

**The Hon'ble the President :** Yes, undoubtedly, because the general cut would cover all items. At the same time having spoken to the large cut would the honourable member want to move his motion again dealing with a particular item alone? That is where the difficulty arises.

**Mr. Muhammad Aslam Saifi :** I don't think it will be necessary to move it in that case.

**Babu Nemi Saran :** I do not wish to move this as Pandit Govind Ballabh Pant has similar motion in his name.

**Pandit Govind Ballabh Pant :** I move, Sir, that the demand of Rs. 4,65,785 in respect of the item regarding Government professional colleges (Civil Engineering College, Roorkee,) at page 70 of the Detailed Estimates be reduced by Rs. 50,000.

[Pandit Govind Ballabh Pant.]

Before I proceed with this motion, Sir, I regret that in your absence there should have been a little disagreement and certain statements made which were not entirely complimentary to anybody. I think it was not parliamentary on the part of any speaker to attribute motives to any other speaker in performing his duties here.

**The Hon'ble the President :** I am sure any honourable member is sorry who, in the heat of the moment, may have made any remarks which should not have been made. Were they declared to be unparliamentary?

**Pandit Govind Ballabh Pant :** I am simply trying to improve the state of things—that is all. So I think, Sir, it was improper on the part of any member of this House to have attributed motives to another member in adopting a certain course that he did. He may or may not have been well-advised. Certain statements were made which were certainly not desirable. I hope the incident will be forgotten by all concerned. I would say that even my train of thought has been interrupted.

Now coming to the question before us, it is this, that the Roorkee College has got an allotment of Rs. 4,65,875. Now this position of the Roorkee College is not altogether fresh before us. It has a history which goes back at least ten years, and resolutions have been again and again brought on the floor of this House in respect of this college. There have been two or three chronic complaints. One was this that the college had been over-staffed and that it is too expensive an institution. The other was that it is run on too professional a line and was not giving full attention to the wider outlook which it would gain if it were brought under the university. The predecessor-in-office of the present Minister said soon after he joined the Government that he was going to appoint a committee to go into this question and the next year he said that it had been decided that the Roorkee College should be affiliated to the university and that only regulations had to be framed. On the other hand, he also stated that the other question had been examined. I think last year again the Minister told us that the report of that committee had been out, that the committee had noted that there was room for economy and that the expenditure was high, but that the Advisory Council would examine that report. Now we are again told today that the report of that committee was thrown into the waste paper basket, and another committee was appointed to go into the question. Now we are told that the report of that committee has been received and it will receive consideration, and then action will be taken. That, I submit, is too dilatory a method even for this slow coach and things should be done at least less tardily if not more expeditiously. Now coming to the merits, Sir, the allotment is Rs. 4,65,000. Out of this the major portion relates to the college and the smaller portion to the photo mechanical and lithographic department. I may point out here two or three points which seem to me to have a direct bearing on the question that is before us. Since last year the railroads and tunnels department has been abolished in the college. In the meantime, the upper and subordinate classes have been combined together and the military department class-room has been abolished. The number of students has gone down from about 330 to about 175, so that apparently on the face of it one should expect economy on a large scale.



Then you will find that the amount that has been put down this year is much higher than that entered in the Revised Estimate of last year. The Revised Estimate comes to Rs. 3,88,000, while this year the amount provided in the budget is Rs. 4,65,875, which is an excess of about Rs. 77 or Rs. 78 thousand. If you look higher up, in the case of salaries, you will find that while last year the provision in the Revised Estimate was Rs. 2,14,000, this year it is Rs. 2,79,000, an excess of Rs. 65,000. I may also tell you that certain members of the staff went on leave last year and was not considered necessary to fill up these posts though they were away for about a year, because the staff that was there was considered sufficient for the purposes of the college. If there had been any need, I know that whatever else might have happened, efficiency with a big "E" would not have been impaired in a college of the type of the Roorkee College. I may also state here, Sir, that the number of members of the staff in the College department in 1921-22 was 18 and the number of servants was 5. It has gone up from 18 to 27 and from 5 to 64 this year, according to the statement before us. The position is this, that while the number of students receiving education in the college has gone down by about half, while the department connected with the college and the number of subjects in which training is given have been reduced considerably, while the actual expenditure during the last year has been less by about Rs. 80,000 than what it is today, and while the Hon'ble Minister has got a definite and reliable recommendation from the committee appointed by himself, which, as he told us, has advised very large economies, very large curtailments in expenditure, yet the Council is being asked to pass a vote to the extent of Rs. 4,65,000. There, I submit, the Hon'ble Minister is unfair to the Council, he is unfair to the committee he has appointed. Does he mean not to pay any regard to their recommendations? Is he not going to affect any economies as he has been advised? If he does mean, then why should there be such a large allotment this year? He may not care for our opinion, but he must care for the opinion of the committee which he himself has appointed and which has made these recommendations. I think I am making a reasonable appeal, in spite of my chronic unreasonableness, in asking him to reduce the grant from Rs. 4,65,000 to Rs. 4,15,000. Even then he would have about Rs. 30,000 above the allotment of last year. Under the circumstances I hope Government will have no objection and they will see their way to accept the motion.

I may also say that I want this money, and some more, to be free in the hands of the Hon'ble Minister, so that he may establish a school of the type of English Public School for Indian boys where they will live in a simple style and have all the advantages of the residential system (somewhere in a healthy climate, which may not be in the hills, I would not make that suggestion), where they will be given the best education, where East and West will combine together, where along with literary education some technical education will be given to the students, where they will go on extending their activities until we reach a time when we may have a large colony. It is with that constructive idea before me that I have brought forward this motion, and I hope it will be accepted on the ground of economy as well as on the ground of necessity.

**Kunwar Jagdish Prasad:** My honourable friend has given reasons why he thinks that the budget allotment for the Roorkee College

[Kunwar Jagdish Prasad.]

is excessive and that economies are possible. I should like just to point out to the House that the Roorkee College teaches students from a large number of provinces outside the United Provinces and the income which we have budgeted for in the coming year for fees from these extra-provincial students is Rs. 1,64,000. We recognize that it is quite possible that economies may be possible. The reason why the recommendations of the committee could not be considered by the Government was that the recommendations were received in January. Then there has been a sharp difference of opinion as to the staff which should be considered adequate for the civil engineering department. The report of the committee is going to be considered by the Advisory Council of the college, possibly on the 27th March. In these circumstances when there has been no unanimous decision, when there is a recorded division of opinion as to the staff required and bearing in mind the fact that the report was not received at the time the budget was prepared, I hope my honourable friend will acquit Government of any design of overbudgeting. As regards this particular motion my honourable friend has suggested that we should make a saving of Rs. 50,000 on the Roorkee College and utilize the amount for the establishment of school on the residential system. I am fully in sympathy with his idea of a residential school, but I am afraid it cannot be established by making a cut in the Roorkee College budget. He knows the financial rules as well as I do, and I may say that a cut in the Roorkee College budget does not mean that the saving could be utilized or that the Finance department will agree that the saving should be utilized for starting a school on the lines suggested by him. In consultation with the Hon'ble Minister and with the proviso that, if necessary, we will come up with a supplementary estimate we agree that a cut of Rs. 25,000 instead of Rs. 50,000 be made. I hope my honourable friend will accept it. I suggest that for Rs. 50,000, the sum of Rs. 25,000 be substituted.

**Pandit Govind Ballabh Pant :** I wish to say just a few words on this point. On the basis of the recommendations received Government accept that further economies will be possible. The actual expenditure last year was Rs. 3,88,000. If economies are made, then it should go below Rs. 3,88,000 and not above it. When the budgeted amount is Rs. 4,65,000 and when Rs. 3,88,000 is there, I do not see why Government should not see their way to accept the motion.

The next point is Government have not said anything about the affiliation of the Roorkee College to the university.

**Kunwar Jagdish Prasad :** About this point, as I said before, certain posts have been in abeyance during the current financial year. The committee have suggested a certain scale of teachers. On that particular point there is a difference of opinion. If the report of the committee had been unanimous then it would have been possible for us to come to a decision. As I told my honourable friend just now, there has been a sharp difference of opinion as to the staff which is considered adequate for the civil engineering department. This matter will come up before the Advisory Council and until they have given their opinion it is impossible to say what economies are possible. That is the whole difficulty at present.

On the question of affiliation we had in reply to previous questions informed the House that when the report of the Hopkins Committee was written there was no proposal to separate the external side of the University of Allahabad. Since then the idea of cutting off the external side from the Allahabad University has grown and a Draft Bill as regards the Agra University has been received. The present position is that if the Agra University Bill is passed the Allahabad University will have only an internal side and the question will have to be considered whether a residential and teaching university with no external side should have any connection with a college five hundred miles away.

The motion that Rs. 25,000 be substituted for Rs. 50,000 in the original motion was put and agreed to.

The reduction of Rs. 25,000 in the demand was put and adopted.

**Pandit Nanak Chand :** I move that the demand of Rs. 40,560 in respect of the item regarding Training Colleges at page 71 of the Detailed Estimates be reduced by Rs. 22,560.

This item relates to the stipends given to the students who are reading at the Lucknow Training College, Agra Training College, and the Allahabad Training College. The recommendations of the Economy Committee on this point were that the Graduate Training College at Allahabad accommodates 60 students at an expenditure in 1922-23 of 98, as compared with 39 only in 1913-14. The staff consists, besides lecturers, of three superior officers now drawn from the Indian Educational Service, one of whom the Director proposes should be recruited in future from the Provincial Service. This will mean some reduction in expenditure. The students all receive stipends of Rs. 30 each, recently raised from Rs. 20. Since there is now great competition for admission to the college (quinquennial report, page 100) and no fees are charged, it seems unnecessary that the stipends should be universally given. We would reduce the number to 20. On the two training colleges for undergraduates at Lucknow and Agra the expenditure is about 35, each for 44 students, all of whom receive scholarships of Rs. 20 (recently raised from Rs. 15). Here, again, it seems unnecessary to give stipends to all students, and the number in each college may well be reduced to 15. In these three colleges the course extends over one year only and they certainly perform a useful function.

With regard to these recommendations of the Economy Committee I only wish to point out the fact which has been referred to in this paragraph of the Economy Committee that even the department in their quinquennial report admit that there was great competition for admission to the Allahabad Training College. The Government had had sufficient time by now to make up their minds as to whether they will or will not give effect to these recommendations of the Economy Committee. I have calculated the amount proposed for reduction on the basis of the recommendations of the Economy Committee. This will not mean the total abolition of all the scholarships.

**Mr. A. H. Mackenzie :** As Pandit Nanak Chand has pointed out, this particular recommendation was made by the Economy Committee. I appeared as a witness for two days before that committee, but I was not asked a single question about stipends in training colleges. The committee came to its conclusions on this matter without taking evidence from the department. If it had done so, I think it would not have gone astray as it has done.

**Pandit Nanak Chand :** What has my friend to say about the reference to the quinquennial report ?

**Mr. A. H. Mackenzie :** I am coming to that reference. I say that if the committee had taken evidence it would not have gone astray as, in my opinion, it has done, in its reasoning. It argued that because there were many more applicants for admission to the training college than there were places, if we reduced the number of stipends there would be still a sufficient number of students who would be willing to join the colleges even without stipends. The fact of the matter is that no students will go to the training college unless they receive stipends. The statement I made in the quinquennial report was that there was competition for admission. That means competition for stipends. If we reduce the number of stipends at the training college at Allahabad to, say, 30, we shall get, probably, for these stipends 100 or 150 applicants but only 30 students will enter the college. They will not enter the college unless they receive stipends. We offered to admit students to the training colleges at Allahabad, Agra and Lucknow without stipends.

**Pandit Nanak Chand :** When ?

**Mr. A. H. Mackenzie :** This offer was made last year and the year before. I used to make this offer myself when I was Principal of the Training College, but students would not come forward unless they received stipends. So that we may be certain of this, that the number of admissions to the training college will be the number of stipends and no more.

**Pandit Nanak Chand :** Is it not a fact that in the Agra Training College there are students without stipends even now ?

**Mr. A. H. Mackenzie :** Some students can be admitted when deputed by institutions. They receive deputation pay.

The crux of the question is this : Are we turning out more trained teachers than are required for the schools ? That is the question we have to decide. On that point I should like to give some statistics which I collected as a result of certain questions put by Mr. Mukandi Lal and Mr. Bhargava. Of licentiates in teaching the output for the province is 103 per annum. The number known to be teaching—I am giving the average for three years—is 89. Fourteen are unaccounted for. I do not think this is a large number. Students are very slow in giving their addresses and do not all keep in touch with their institutions. Fourteen students did not reply to the inquiries made, but that does not mean they are not teaching ; it might mean that they did not trouble to reply. From all the training colleges in the United Provinces we have now 169 trained teachers. Of this number we know, taking the average for three years, that 147 are teaching. As for the remaining 22 we have no definite information one way or the other—some may have gone to other provinces.

What are the needs of the schools ? If we take aided schools, there are 738 trained teachers out of 2,667, i.e. less than 30 per cent. of the teachers in aided schools. I have made a calculation of our needs as follows : there are 2,667 teachers in our aided schools, excluding maulvis, pandits, drill masters, etc. The wastage due to retirement, death, and so on may be taken at 4 per cent., a very low figure. That means 107 teachers a year to replace wastage. Our output is 169.

Thus we are left with a balance of 62 a year. These 62 teachers are required for various purposes. They are required for improving the staffing of aided schools. They are required to meet the increasing demand for English teachers in middle vernacular schools. They are required to supply recruits for the district inspecting staff. And they are required for the ordinary needs of expansion. I may say also that the department has under consideration proposals for deputing to the training colleges a number of teachers from aided institutions. The stipend which will be given to such students is really a grant-in-aid to aided schools to enable them to depute teachers.

On the general question as to whether our supply of trained teachers is in excess of the demand or not, I may mention that Sir Harcourt Butler after examining the whole question expressed the view that we should have one training college in every division and I may say that the first Minister of Education strongly endorsed the view of Sir Harcourt Butler and gave orders that we should establish new training colleges at Fyzabad, Gorakhpur and Meerut. But financial stringency intervened and we were unable to provide these institutions.

**Pandit Nanak Chand :** Was it a part of the scheme that stipends be given to all students ?

**Mr. A. H. Mackenzie :** That question did not arise.

I shall bring this speech to a close by making my position a little clearer. My position is that I do not think that we can at present be certain whether the supply of trained teachers is in excess of the demand or not. The figures I have given seem to show that we are not turning out at present students in excess of the demand. But I am to watch the position closely this year. I am to get information again from all the training colleges, and if I find that we are turning out teachers in numbers greater than our demand, I myself shall be the first to suggest to Government that we should reduce the number of stipends, because the students who are out of employment come to me and reproach me, if not with words at least with looks. I should feel very distressed if I had to say "I am sorry that there is for you no post vacant either in a Government school or in any aided school." As soon as I find that the supply is in excess of the demand I shall come forward with proposals to reduce the number of stipends. So I ask the House to give me a little longer to watch the situation. Honourable members can put questions to me. If I do not satisfy them, they can reduce the stipends next year.

**Pandit Nanak Chand :** I do not wish to press the motion.

Motion by leave withdrawn.

**Pandit Govind Ballabh Pant :** I move that the Council do proceed to consider item No. 61 of these amendments.

**The Hon'ble the President :** I cannot accept the motion: I can only make a suggestion in the matter. Neither the Council nor I can prevent an honourable member from coming before the Council and moving his motion. We are governed in the matter by rules which are statutory and they lay down definitely that, given the required notice, an honourable member may move his motion. Rule 30 of the Legislative Council rules lays down.

[The Hon'ble the President.]

"Motions may be moved at this stage to omit or reduce any grant or any item in a grant but not to increase or alter the destination of a grant.

"When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the budget."

It is outside our power to prevent an honourable member who has given due notice from moving his motion. For one reason or another we have spent a long time in discussing the demand for "Administration of Justice" and the earlier part of the demand for education. I will therefore call on the honourable members who have the motions between Nos. 15 and 61 to say whether they are willing not to move the motions standing in their names.

**Rai Bahadur Thakur Hanuman Singh:** I beg to move that the demand of Rs. 22,57,100 in respect of the items 17, 18 and 23 as given in the appendix, pages 6 and 7, be reduced by Re. 1. Last year during the budget discussion I showed the necessity of hostels in certain districts for boys reading in the Government and aided schools and the Hon'ble the Director of Public Instruction was kind enough to hold out a promise that he should supply the need if it was really necessary anywhere.

At that time I pressed the claims of Ballia to have a hostel, and I was informed that the Inspector of Schools who was deputed there for the purpose reported that there was indeed need for it. I shall therefore wish to inquire from the Director of Public Instruction what action he has taken in the matter.

**Mr. A. H. Mackenzie:** As regards hostels in Government institutions the position at present is that the accommodation is in excess of the demand. I am speaking generally.

As regards Ballia, there is undoubtedly a need for an additional hostel. I looked into the matter and I was anxious that the department should do its part in supplying the need. But there was one obstacle which we have not yet been able to surmount. It is that the people of Ballia themselves and people interested in the education of Ballia have not come forward with a single rupee as their share of the cost. If the honourable member will stimulate the people of Ballia to do their share, he will find that the department will be quite ready to do its share.

**Rai Bahadur Thakur Hanuman Singh:** I beg to withdraw the motion.

Motion by leave withdrawn.

**The Hon'ble the President:** As the honourable members are not prepared to forego their right to move their motions, I should like to suggest that the Council should give power to their future President to select amendments as is done in the House of Commons. This power is not provided for in the Legislative Council rules.

**Pandit Nanak Chand:** I move that the demand of Rs. 71,36,100 in respect of the item regarding grants to local bodies at page 74 of the Detailed Estimates be reduced by Re. 1.

As the time at our disposal is very short, I am afraid I shall not be able to do full justice to this motion. However, as I consider it very important, I must speak a few words about it. My object is to draw the attention of the Government to the arrangement about the three years' contract, which is most unsatisfactory, unjust, and inequitable. Under that arrangement the Saharanpur district board has to spend 80 per cent. of the total annual outlay on education, while the Government contributes only 20 per cent. I may inform the honourable members of this House that according to the provincial average the Government pays 70 per cent. and the boards pay 30 per cent. of the total outlay on education. In the case of Saharanpur, the board's contribution is 80 per cent. and only 20 per cent. is paid by the Government. The position is worse than even the reversed. In the case of Bulandshahr the board's share again is fixed at 79 per cent. out of its own revenues and the Government pays only 21 per cent. of the educational expenditure. Aligarh has to pay 53 per cent.; Bara Banki, the district to which the Hon'ble Minister in charge of this department belongs, pays 52 per cent and Bareilly pays 50 per cent. Now if we come to districts like Lucknow, we find that the Lucknow district board is required to pay only 15½ per cent. and the Government pays 85 per cent. The arrangement made by this three years' contract is exceedingly partial in the case of a number of the boards and is very unfair and unjust to many other boards. I will quote some cases. Bahraich, before the three years' contract, used to get Rs. 76,000 from the Government and used to contribute Rs. 56,000. Now it is required to spend Rs. 1,47,000. The Government's share has gone up by Rs. 57,000 and the board's share has been reduced to Rs. 14,000 from Rs. 56,000, that is, the relief that has been given to the board of Bahraich is Rs. 99,000. Similarly, if I go into the details of other districts it will take a long time of the Council, but it will show that the Government has reduced by this contract the contributions of a number of boards and has increased the Government contribution, with the result that the following districts are the gainers to the extent which I shall indicate. Bara Banki profits by Rs. 57,000; Gonda profits by Rs. 32,000; Lucknow profits by Rs. 57,000; Unao profits by Rs. 42,000; Kheri profits by Rs. 56,000; Hardoi profits by Rs. 1,10,000; Sitapur profits by Rs. 52,000; Gorakhpur profits by Rs. 1,95,000; Meerut profits by Rs. 92,000; Benares profits by Rs. 1,39,000. On the basis of the provincial average the Bulandshahr district board ought to get something about Rs. 1,22,000. I am only citing an instance.

**Pandit Baijnath Misra:** Did Bulandshahr ask for it and it was refused?

**Pandit Nanak Chand:** Yes, many times. The unusual thing in this connection was that the three years' contract was not sent as a whole to all the boards but the items relating to each individual board were communicated to it. The result was that the boards believed that similar treatment must have been accorded to other boards as well. Now, in the case of Bulandshahr we are required to spend Rs. 1,82,800 over district board education, out of which Government gives us Rs. 40,500 only, instead of giving us, according to the provincial average, Rs. 1,22,000. This is the state of affairs against which I raise my vehement protest. I would suggest that the Hon'ble Minister should give an assurance for the appointment of a committee consisting of some members elected by

[Pandit Nanak Chand.]

this House and some representatives of the executive committee of the district board conference to go into the whole arrangement and to come to some reasonable and equitable settlement.

**Mr. A. H. Mackenzie :** May I ask the honourable member to let me know the year of the district board report from which he took the figures?

**Pandit Nanak Chand :** The report, of which I gave a copy to my honourable friend the Director of Public Instruction last evening, is for the year 1922-23 and it is the last published report of the district board. I have taken my figures from there.

**Mr. A. H. Mackenzie :** I wished to verify whether the report which my honourable friend gave me was of the same year as the one on which his calculations are based. If the report was that for 1922-23 his calculations are wrong.

**Pandit Nanak Chand :** I challenge you.

**Mr. A. H. Mackenzie :** And useless. I am sure that the reason is not any lack of intelligence or want of industry on the honourable member's part, but what he has not noticed, and perhaps could not well be expected to notice, is that the year 1922-23 was an exceptional year. In that particular year district board grants were reduced to the extent of 15 lakhs. I should perhaps put the matter in another way, the way in which the Finance Secretary would put it. In that particular year boards were asked by Government to contribute 15 lakhs of rupees from the balances which they had then accumulated. They had accumulated very large balances and the Government made them disgorge. That fact has not been taken into consideration in calculating the figures.

**Pandit Nanak Chand :** I have taken into account that 19 lakhs were resumed out of the balances under the head " Non-recurring grants."

**Mr. A. H. Mackenzie :** I would suggest to my honourable friend that he should check his figures again from the report for the year 1921-22.

As regards Bulandshahr and Saharanpur, the facts are that when the contract was made with the district boards in 1918 they were required to spend on education the excess income which they received on account of revision of their settlements. The boards were very fortunate in having that extra income and the Government thought it only fair that they should expend it on schemes of educational progress. I may, however, say that the whole question of the principles on which grants will be distributed in future will be considered by the Government in connection with the report of Mr. Kichlu on the expansion of primary education.

The motion that the demand of Rs. 71,86,100 in respect of the item regarding grants to local bodies at page 74 of the Detailed Estimates be reduced by Re. 1 was put and negatived.

**The Hon'ble the President :** The original motion was that the demand of Rs. 1,67,60,600 under the head "31—Education" be voted, since when an amendment has been adopted for the reduction of Rs. 25,000, leaving a net demand of Rs. 1,67,35,600. The question is that this demand be voted.

The demand was voted.



**The Hon'ble the President :** The question is that a sum of Rs. 13,78,000 . . .

**Pandit Govind Ballabh Pant :** Are you putting the Excise demand ?

**The Hon'ble the President :** Yes.

**Pandit Govind Ballabh Pant :** I rise to a point of order. I would invite your attention to rule 117.

Clause (2) says :—

“ Of the days so allotted, not more than two days shall be allotted by the Governor to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

Clause (3) runs as follows :—

“ On the last day of the allotted days at 5 o'clock the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.”

My submission is this, that today we had two demands before us, according to the paper, one relating to education and the other to excise. The Council has dealt with and disposed of some of the amendments relating to the first demand. The maximum limit of time which, as I gather from the President, is 5 o'clock, had been reached at that time and the demand that was under discussion at that time was the demand relating to education. The maximum limit of time for discussion having been reached, you have been pleased to put that demand to vote in order to dispose it of. So far as the other demand is concerned, it is not under discussion before us at present.

**The Hon'ble the President :** We had this point before. It is a very open question. It does not matter whether it is put now or put at the end.

**Pandit Govind Ballabh Pant :** My suggestion is this, that in the meantime let us proceed to the demands for the next two days and if they are finished before the appointed time, this demand may be taken up then.

**The Hon'ble the President :** Possibly. The point was raised before whether the demand, when it has not been actually reached, should be put there and then or wait until the final day when 5 o'clock arrives. I have no preference on the subject myself. Perhaps Government might wish to speak.

**The Hon'ble Mr. S. P. O'Donnell :** I understood that the honourable member's suggestion was that if on any other two days allotted there should be some time not required, the whole of the excise demand should be taken on that day.

**Pandit Govind Ballabh Pant :** Yes, that is my suggestion.

**The Hon'ble the President :** I think it is his hope. It may be looked into. I am perfectly willing to wait till the last day in case there is further opportunity given for discussion.

The Council was then adjourned until the following day.



# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Wednesday, 18th March, 1925.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m.  
The Hon'ble the President in the Chair.

## PRESENT :

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallowses.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad E'jam Rasul Khan.  
Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Babu Khem Chand  
Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Jai Narayan Chaudhri.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Bulwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Shib Narayan Singh.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Bahadur Pandit Kharagjit Misra.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.

Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Lieut. Raja Durga Narayan Singh.  
Lieut. Raja Bahadur Hukm Tej Pratap  
Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhya.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.  
Pandit Bijnath Misra.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mutandi Lal.  
Babu Ram Chandra Sinha.  
Kunwar Rajendra Singh.  
Rai Bahadur Thakur Mashal Singh.  
Babu Sita Ram.  
Kunwar Surendra Pratap Sahi.  
Rai Bahadur Babu Shankar Dayal  
Mr. Zahur Ahmad.  
Dr. Muhammad Naim Ansari.  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Maulvi Obaid-ur-Rahman Khan.  
Hafiz Hidayat Husain.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Mansur Siddiq Ahmad.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf.  
Mr. St. George H. S. Jackson.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Baksh Singh.  
Dr. Ganesh Prasad.

## QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

#### TIME-SCALE IN JAIL DEPARTMENT.

\*4. **Babu Mohan Lal Saksena:** With reference to the Government answer to started question No. 61 (b) of the 28th January, 1925, will the Government be pleased to state the considerations which have led it to introduce time-scale in the Jail department?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** Government propose to introduce a time-scale in the Jail department in view of the recommendations of the Indian Jails Committee on the question of the pay of the higher subordinate officers of that department. A time-scale has for some time past been in force in most of the other major provinces.

#### GIRLS' SCHOOLS, BANDA.

\*5. **Thakur Har Prasad Singh:** How many students are on the roll of the model girls' school, Banda, at present?

Has the Government given the building of the old Government school, Banda, to the model school?

**The Hon'ble Rai Rajeshwar Bali:** (a) Fifty-six.

(b) Yes.

\*6. **Thakur Har Prasad Singh:** Is it a fact that the Hon'ble the Minister of Education, while visiting Banda, called the members of the Education committees of Rashtriya Kanya Pathshala and Arya Kanya Pathshala and had a talk with them in order to settle terms on which both the institutions might be amalgamated with the model girls' school?

7. Is it a fact that the Hon'ble Minister offered certain terms to both the committees? If so, will the Government be pleased to lay them on the table?

8. Is it a fact that the committee of the Rashtriya Kanya Pathshala agreed to all the terms offered by the Hon'ble the Minister and the committee of the Arya Kanya Pathshala refused to accept the terms?

9. Is it a fact that the Hon'ble Minister told the members of the executive committee of Rashtriya Kanya Pathshala that he would amalgamate their institutions with the model girls' school, even if the Arya Kanya Pathshala does not come to terms? If it is so, will the Government be pleased to state the reasons why it has not amalgamated Rashtriya Kanya Pathshala with the model girls' school?

**The Hon'ble Rai Rajeshwar Bali:** I visited Banda and tried to effect an agreed compromise, but I regret to say that my attempts have proved unsuccessful. It will serve no public purpose to give details of negotiations which proved infructuous.

#### MAN-EATING TIGER.

10. **Pandit Hargovind Pant:** (1) Is the Government aware that a man-eating tiger is at large in Danpur pargana of district Almora?

(2) What steps does the Government propose to take to extirpate the beast?

**The Hon'ble Mr. S. P. O'Donnell :** (1) A man-eating tiger sometimes visits the Danpur patties. A tiger which is believed to have been the tiger in question, together with two cubs, was recently met there, and the cubs were shot. The tiger escaped.

(2) The Deputy Commissioner has issued a gun and cartridges to the local Revenue official with instructions to lend it to anyone anxious to secure this tiger. A reward of Rs. 200 was offered last year and still holds good. Poison is also in stock to be tried if occasion offers and under necessary precautions. Government are prepared to place funds, if required, at the disposal of the Deputy Commissioner and are inquiring on this point from him.

**Pandit Hargovind Pant :** Will the Government consider the advisability of restoring the licences that have been cancelled in the locality—particularly of the district board members of Bageshwar?

**The Hon'ble Mr. S. P. O'Donnell :** I know nothing about that. I must ask for notice.

**Pandit Hargovind Pant :** Will the Government issue orders that more licences may be issued?

**The Hon'ble Mr. S. P. O'Donnell :** I will inquire whether any more licences are required or are likely to be of any effect whatever.

#### NOTIFIED AREA, BHOWALI.

\*11. **Pandit Hargovind Pant :** (1) What is the total population of Bhowali, a notified area in district Naini Tal?

(2) How many licences for the sale of wines and other spirituous liquors have been granted in the locality?

**The Hon'ble Lieut Nawab Muhammad Ahmad Sa'id Khan :** (1) The total population of Bhowali notified area according to the census report of 1921 is 1,074.

(2) The number of licences for the sale of wines and other spirituous liquors is—

Shop licence	...	...	...	1
Hotel licences	...	...	...	3
Canteen licence	...	...	...	1

#### UNSTARRED QUESTION.

##### TIMINGS OF OUDH AND ROHILKHAND RAILWAY IN LUCKNOW.

2. **Maulvi Muhammad Obaid-ur Rahman Khan :** Has the attention of the Government been drawn to the fact that from 1st March, 1925, the time-table of the Oudh and Rohilkhand Railway has been framed in such a manner that the suburban population that has to come to Lucknow in the morning every day on account of their business, service or litigation are put to great trouble?

**Mr A. C. Verrières :** The Government have made inquiries and have ascertained that the timings of trains into Lucknow are not inconvenient for those who have business to transact.

## THE BUDGET, 1925-26.

### Demand No 4.

#### HEAD 22---GENERAL ADMINISTRATION.

**The Hon'ble Mr. S P. O'Donnell:** I beg to report to the Council the recommendation of His Excellency the Governor that under the head "General Administration" a sum of Rs. 1,06,06,119 be provided and to move that this sum be voted. I have asked for a sum of Rs. 56,000 less than shown on page 41 because the Ministers have agreed to accept a reduction in their salary.

**The Hon'ble the President:** (To Babu Bhagwati Sahai Bedar) Will the honourable member kindly before moving his motion give a little explanation of it?

**Babu Bhagwati Sahai Bedar:** I wanted to move my motion in connection with the note of His Excellency the Governor regarding the reforms which he sent to the Departmental Inquiry Committee.

**The Hon'ble the President:** Motions 1 and 2 are for total omission of the grant for the staff and household of the Governor and consequently would be out of order in that connection. Motion No. 3 for a reduction of Rs. 1,000 is obviously in order.

**Mr. Mukandi Lal:** My motion is merely a token motion and an indirect way of expressing it. A reduction of one rupee would be enough.

**Pandit Govind Ballabh Pant:** If Mr. Mukandi Lal wants to move it himself, I have no objection.

**Mr. Mukandi Lal:** I think this is the only opportunity when we . .

**The Hon'ble the President:** Will the honourable member move his motion?

**Mr. Mukandi Lal:** I move that the demand of Rs. 91,721 in respect of the item regarding (c) Staff and household of the Governor at page 37 of the Detailed Estimates be reduced by Re. 1.

Firstly I wish to point out that the Governor has disallowed five resolutions that were sent by the members of this Council. Two of them referred to the dyarchical system of government, a system on which His Excellency the Governor himself has expressed his views or which he has indirectly condemned. The other resolution that he disallowed was about the military training. To that also . . .

**The Hon'ble Mr. S P. O'Donnell:** I rise to a point of order. Can there be any discussion reflecting on His Excellency's action?

**The Hon'ble the President:** No. I do not know what the honourable member is going to refer to, but the standing order forbids any reflection upon the conduct of His Majesty the King, or the Governor General or any Governor or any court of justice.

**Mr. Mukandi Lal:** I have no idea of casting reflections; I want only to show how this power of allowing and disallowing resolutions has been exercised by the Governor.

**The Hon'ble the President:** That is the point which is open to objection.

**Pandit Brijnandan Prasad Misra:** Does this mean that we must not speak of the personal conduct of the Governor or the actions which he takes in the course of administration also?

**The Hon'ble the President :** The matter is not exactly easy. It is obvious in looking at the rule that "reflect upon" was not intended to be literally interpreted—the literal meaning of "reflect" is to bend back. It is therefore not the literal meaning that is intended, so it is a meaning other than the literal. Another meaning, as every one knows, of "reflect" is to contemplate, to think seriously, to ponder. Well, obviously that cannot be the meaning of the standing order either because it would be ridiculous to preclude honourable members or anybody else from contemplating the conduct of any high official, or pondering on the conduct of any high official. No matter what view of it is taken, it would not be likely that we should be debarred from pondering upon it. So we have to look then for the real meaning of "reflect upon." On another occasion when I was thinking about this matter I went to my unfailing friend Webster or Murray to look up what he said, and he quoted there very appositely Dean Swift as giving an example of what reflect upon meant. Webster says "to reflect upon" means to cast blame or censure or discredit or the like upon any person or the conduct of any person and what he quotes Dean Swift as saying is "I do not in the least reflect upon the memory of his late Majesty." It is pretty clear what the Dean meant there, and that no doubt is the meaning of "reflect upon" as it appears here. I have therefore now excluded the literal meaning and the ordinary meaning of thinking seriously or pondering and I come to what the meaning must be, namely, to cast discredit, censure, blame and the like upon, as Dean Swift intended it when he wrote:—"I do not reflect in the least upon the memory of His late Majesty." Bearing that in mind it will be pretty clear to honourable members what exactly they have to steer clear of in discussing matters connected with His Majesty the King, or the Governor General, or the Governor. They can easily steer clear of trouble. There are in this matter two sides to the shield. There is on the one side what the honourable members themselves may wish to have done—that is their side of the shield. The other side of the shield is the action taken by the Governor. One side of the shield is entirely open for discussion, that is, the course they would like to pursue. The other side of the shield is turned away from them—the conduct of His Excellency—they cannot reflect upon that. Pandit Brijnandan Prasad asked me whether it means his public or his private conduct.

**Pandit Brijnandan Prasad Misra :** What I meant was that perhaps his conduct or action in the course of the administration of the province may be commented upon as distinguished from his ordinary conduct.

**The Hon'ble the President :** What is meant by ordinary conduct? What is the distinction the member wishes to draw? I cannot see that Parliament would take the trouble of legislating that honourable members should not reflect upon the private character of the King; it is inconceivable that they would frame a rule to that effect; it applies to everybody—to people of very much lower grade in life. I take it that they must mean that it is his conduct as he shows it in public and public action, that cannot be reflected upon. He is above criticism, so to speak, to that extent. Does that meet the honourable member's position?

**Pandit Brijnandan Prasad Misra :** Yes, Sir.

**The Hon'ble the President :** That is how I look upon it. In speaking in the Council every member should bear in mind the rules and standing orders under which we are acting. I do not think myself that this restriction is a very serious hardship, it is a matter that has come down through history, that the King's conduct cannot be reflected upon, and it is nothing strange that the rule should be applied in an infant Parliament when it is in operation in the Mother of Parliaments.

**Pandit Brijnandan Prasad Misra :** I thought there was a difference between the constitutional acts of the Governor and his private acts. It can be commented on in Parliament . . .

**The Hon'ble the President :** That may be, but we cannot do it here.

**Pandit Govind Ballabh Pant :** In this connection may I say a word? I think there are two aspects of the question. One relates to the orders of His Excellency as to whether certain questions should or should not be discussed in this Council. So far as that ruling goes, it is not open to us to question that action. But just as when an elder brother gives a slap to a younger brother it is not open to the younger to say whether the slap is justified : nevertheless, he feels that the slap is smarting and when he is in pain the elder brother asks the younger brother for help. He can say I could not prevent you from giving a slap, but still I am not going to help you. So we are not going to reflect on His Excellency's conduct by entering into the merits of the action taken by him, but we say, and we are not moving any resolution, nor bringing in any motion, but without going into that question, we expect better leniency and liberality from you, and if you do not do that we will show resentment that you have omitted to do so.

**The Hon'ble the President :** So long as you keep within those bounds you are all right. As I said, there are two sides of the shield—the one side is what you wish to present, and the other is the action taken by the Governor. It is open to honourable members to bring all the weight they can to bear on their arguments in putting their side, but they cannot go to the other side.

**Mr. Mukandi Lal :** While discussing this point I will bear the ruling in mind. Now, there was the resolution on military training. I will refer to the third resolution which was very vital—a resolution to allow the honourable members to speak in Hindi or Urdu, if they desired to do so: that also was disallowed. That was a very simple thing which we could have discussed in this Council, whether it was desirable to allow people to speak in the language which they choose to speak. The other was about enlarging the franchise—and I am glad that His Excellency thinks that the electorate is not wide enough—that the political convicts who have undergone sentence of imprisonment for over six months may be allowed to vote in the Council election—that was disallowed. Another resolution in which it was proposed that the meetings of this Council should be held every year for at least 60 days—that was disallowed also. Then there was a very innocent sort of resolution; that was a resolution to commemorate the Reforms; the resolution was given notice of with a view to discuss the desirability of erecting a statue which would commemorate the memory of the father of the Reforms.—that was also disallowed.



**The Hon'ble the President :** The resolution with regard to a statue to Mr. Montagu did not reach Government at all.

**Mr. Mukandi Lal :** If you disallowed it, Mr. President, you missed a great opportunity. If you had allowed it, perhaps we might have also one day discussed the desirability of erecting a statue in memory of you, Sir, our first President.

Now, I will come to the point which, I think, is uppermost in the heart of every member present here this morning, i.e., the note that has been sent by Governor in Council to the Reforms Inquiry Committee. In this connection, Mr. President, I will at the outset say that I am not going to discuss the Reforms Committee's Report, the Majority or the Minority report. I will strictly confine my remarks to the note sent in by the Governor in Council, so that we may reserve our right for the discussion of the Majority and Minority reports when we shall have a debate on the subject on one of these days that we have before us.

In the note of His Excellency the Governor in Council there are fourteen controversial points. Out of these fourteen points, I am in complete agreement with the Governor in Council on five points and I disagree with him on nine points. The first point on which I agree with the Governor in Council, and I hope the Council will also agree, is this. His Excellency the Governor in Council says in his note that "the Reforms were launched in circumstances of exceptional difficulty. The declaration of the Allies in favour of self-determination has roused extravagant expectations." Perfectly all right. I will go one step further and say that if there had been no war—let me frankly say it—there would have been no Reforms. They were dictated by the war and were provoked by the ideal of self-determination. The second point where I agree with the Governor in Council is where he says that it is perfectly true that the reformed constitution has failed to satisfy both the swarajists and Liberals. We all agree here. The third point is: "There is no half-way house between the present and a new constitution." There also we agree. That is why we demand the complete overhauling of the Act. The fourth point is: "Concessions which fall short of complete provincial autonomy will placate no section of the opponents of the existing system." There also we agree. The fifth point where we agree with the Governor in Council—and here I am in company of Governors and also ex-Governors of various provinces—is this: "Dyarchy is obviously a cumbrous, complex, confused system" Sir, I will go further and say that dyarchy, in the words of Mr. Hope Simpson, is a horrible word for a horrible system.. Further, it was again said in the House of Commons by Sir Henry Craik only the other day that dyarchy was a spider's web spun out of the brain of a doctrinaire pedant full of catches. And that spider's web has been entered by some of our compatriots, and they are struggling to come out of it, and I hope they will succeed in coming out after having been disillusioned.

Now I will come to the point where we disagree. The first point is where it is urged that the attitude of the educated classes is not the sole test by which the Reforms must be judged. It is said that the Governor in Council do not admit that the attitude of the educated classes is the sole test by which the Reforms must be judged. May I ask, Sir, if the

[Mr. Mukandi Lal.]

educated people of India are not to give their opinion on the Reforms, as to whether they have been a failure? If the educated people, the intelligents of the country, is not the judge of the Reforms, who can be? Are the dumb driven masses to give their verdict on them?

**The Hon'ble the President :** It seems to me that the honourable member is not exercising due courtesy in dealing with this subject. There is a resolution which has been admitted dealing with the whole subject of dyarchy and the Reforms Committee, and that resolution is coming before the Council. Opportunity is now being taken, a very inappropriate opportunity it seems to me, in dealing with the staff of His Excellency the Governor of practically anticipating the discussion on the resolution which aims especially and solely at that particular point. I do not say that the remarks are out of order, but I think the honourable member should confine himself closer to the subject.

**Babu Nemi Saran :** Is that resolution allowed by His Excellency the Governor?

**The Hon'ble the President :** Yes, the resolution has been allowed and at the ballot the date will be settled.

**Mr. Mukandi Lal :** In view of the assurance you have given that the resolution has been allowed, I do not wish to say anything further now. Though, as I said in the outset, I was not going into the merits or demerits of the report. I was only confining myself to the points raised in the memorandum. In view of the fact that you have given this assurance that we can bring all these points then, I do not say more at present.

**The Hon'ble Mr. S. P. O'Donnell :** I do not propose to discuss the manner in which His Excellency has exercised his discretion or judgment in the matter of the disallowance of resolutions. Nor do I propose to discuss the views expressed by the Governor in Council on the points which were referred to the Governor in Council in connection with the Muddiman Committee. We were asked our views on certain points, and we gave them. It is inevitable that there should be differences of opinion on those points. But it is surely a strange procedure to make that a ground for proposing that the demand for the personal staff of His Excellency the Governor should be reduced. There are other ways in which honourable members can, if they care, express their views on these issues. To make an attack of this kind is a procedure without precedent and one which I am quite sure the Council will not hesitate to reject.

**Pandit Nanak Chand :** Has the Hon'ble the Finance Member nothing to say regarding the meetings of the Council to which reference was made by one of the speakers?

**The Hon'ble Mr. S. P. O'Donnell :** That was fully discussed on a recent resolution.

Motion negatived.

**Pandit Govind Ballabh Pant :** I move that the demand of Rs. 1,27,000 in respect of the item regarding (e) Tour expenses at page 37 of the Detailed Estimates be reduced by Rs. 1,000.

Before coming to the subject of my resolution I wish to make a few introductory remarks. It seems to me that the Council has got into the habit of discussing questions more from a personal standpoint than from public, and whenever any question comes before us we are expected to look at it not on an impersonal ground, but to keep our eyes confined to the personalities involved in the consideration of that question. That, I submit, is certainly not a very dignified way of doing business. When we are coming forward every day with our resolutions and motions attacking a patwari, a chaprasi, a deputy collector, a tahsildar and a district magistrate, I think, if we are sportsman-like, we should rather seek encounter with men who are better placed and who are responsible for the whole administration and who are in a better position to defend themselves than to defend those who are under them. Besides that, there are cases when we have grievances to bring forward which concern the public and which are of great importance, and it is but meet and proper that a convention should be set up that when these demands are made, questions relating to the Government as such should be brought forward so that there may be a free, courteous and well-balanced discussion on the subject and the whole thing may be got through in a business-like manner. I do not see any reason why there should be any sort of resentment because a certain member attacks a particular item relating to a particular individual. Certainly the Hon'ble the Finance Member, who I understand is a very good player of tennis, must be knowing the laws of the game, and it is better that the questions for which the responsibility ultimately and directly lies on the members of the Executive Council should be brought to their notice and matters relating to other branches of the Government should be brought to their notice on the floor of this House, and apart from that the convention has to be established to distinguish between the Government and the servants and agents of the Government, and whenever we take up questions of this character we expect that the time will arrive when the public at large will be in a position to make a distinction between the two.

Now, coming to the subject of this resolution, I wish to confine myself mostly to the activities of the Executive Council and the Executive Councillors. I do not refer to His Excellency the Governor in connection with this motion, if not with any other object, at least to spare the susceptibilities of the gentlemen who seem to be unduly sensitive in this respect. I myself appreciate the dignified position His Excellency the Governor occupies in any province. Now, the points that I raise in this connection are of some importance. Firstly, there have been a number of occasions in this House when questions which have been freely discussed previously have been altogether ruled out. A number of questions were put as to the joint deliberations of the reserved and transferred halves of the Government. The Government has taken shelter under the answer that it is a confidential matter and the deliberations of the Government are not open to the public view. Well, I cannot possibly take too much of the time of the Council, but I would remind them of the statements made by the predecessors in office of the Hon'ble the Finance Member and his colleagues in the Ministry. Sir Ludovic Porter distinctly stated when he made the budget statement in 1921 that in the United Provinces there was only one Government, and that it was a

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unitary Government. All matters were discussed jointly by the Ministers and the Executive Councillors. Mr. Chintamani supported it and said that so far as our provinces were concerned dyarchy did not exist. I think, Sir, from the manner in which the answers have been given to these questions, that that practice does not obtain now. I go further and think that that practice is not only in accordance with what prevailed in these provinces at that time, but it is not even strictly in accordance with the report of the Joint Parliamentary Committee and the instructions that were issued by Parliament in pursuance of that. It distinctly lays down that there will be . . .

**Nawab Muhammad Yusuf:** A point of order. Can my friend discuss all these things under this head?

**The Hon'ble the President:** I thought these tour expenses were concerned with the tour of the Executive Council.

**The Hon'ble Mr. S. P. O'Donnell:** No. It is His Excellency's tour expenses. It has got nothing whatever to do with the Government.

**The Hon'ble the President:** I looked up Mr. Blunt's memorandum and I found no information about it, and I assumed it, was dealing with the Executive Council. It would be better to reserve these remarks for a later opportunity. Where can an opportunity be found?

**Mr. E. A. H. Blunt:** It can be done under the head Travelling Allowance under Secretariat.

**Pandit Nanak Chand:** This relates to the arrangements of the Government members, not to the business transacted by the Secretariat, and I am afraid that this cannot be discussed under the head Executive Council members.

**The Hon'ble the President:** I am asking Mr. Blunt where we can find an opportunity for discussing this.

**Mr. E. A. H. Blunt:** If the discussion has only relation to travelling as such, the right place to discuss it is under Travelling Allowance under the Civil Secretariat head on page 40.

**The Hon'ble the President:** I understand what the honourable member (Pandit Govind Ballabh Pant) wants is a general attack on the Executive Council.

**Pandit Govind Ballabh Pant:** Yes.

**Mr. E. A. H. Blunt:** I should say the best place would be on some motion under the general head. Right at the end there are some, I think, to reduce the entire grant.

**The Hon'ble the President:** After sub-head 22A?

**Mr. E. A. H. Blunt:** It could come in under motion No. 183 right at the end.

**The Hon'ble the President:** We may not reach 183.

**Mr. E. A. H. Blunt:** If it has any special reference to touring as such it will be done under the item Travelling Allowance, Civil Secretariat, which includes tour expenses of members of the administration.

**The Hon'ble the President:** As far as I see, it will come in when we complete the whole of this sub-head 22A as a motion after No. 15 on the paper.

**Mr. E. A. H. Blunt:** Yes, it will come in there.

**The Hon'ble the President:** I will take that as a notice now given, instead of notice on the paper, and it will come after No. 15.

**Pandit Govind Ballabh Pant:** In this connection may I request Mr. Blunt to be more clear in the presentation of his estimates. All this 22A refers to the Government, and so I think my misapprehension was not altogether unjustified.

**Babu Bhagwati Sahai Bedar:** I beg to move that the demand of Rs. 1,28,000 in respect of the item regarding (g) Ministers at page 37 of the Detailed Estimates be reduced by Rs. 56,100.

Sir, in moving this reduction I beg to say that I have no grievance against the Ministers. I know that they are men of high ambitions, men possessing high qualifications and of great fortune, too, but this is not enough; we have to know the definite policy of the Hon'ble Ministers at least regarding the Excise department which could not be discussed yesterday. We wanted to say something on it and on some other points that were to be brought forward by the members of this House. However, Sir, since you have given an assurance that we shall be able to say something on the dyarchical system of government in which the Ministers are considered like earthen pots among well-polished Moradabadi vessels . . .

**The Hon'ble the President:** I have not given any assurance that the resolution can be discussed. What I said was that it has been admitted by His Excellency the Governor, and if it gets through the ballot it can be discussed either on the 31st or on the 3rd April.

**Babu Bhagwati Sahai Bedar:** At least we expect that it will be so discussed. I will therefore leave that point. I hope the Hon'ble Ministers of Education and Agriculture will give us their definite programme and see that nation-building departments in these provinces are improving. As far as agriculture and industry are concerned, we shall see when the demand with respect to these departments come before us, but the total prohibition of liquor should be the first thing to attract the mind of the Hon'ble Minister, and he shall bear it in his mind as long as he is a Minister in these provinces. With these few words I close my observations.

**Nawab Muhammad Yusuf:** I am glad to find that after all this motion was nothing but a mere false alarm and really the honourable member wanted to shower compliments on the Hon'ble Ministers. But I do hope my honourable friend will not bring motions in this form in future. It clearly conveys that he really meant to censure the Ministers. I simply want to draw the attention of this House to the form of the motion and to request the honourable members that if they want really only to shower compliments on the Ministers, they should bring a motion in a different form from what we find it here today.

**Lala Mathura Prasad Mehrotra:** There is also a motion of reduction of Rs. 56,000 standing in my name. The object of my bringing this motion is only to point out that the Finance department came to know this after the budget was prepared and therefore they could not reduce

[Lala Mathura Prasad Mehrotra.]

the amount. We are, Sir, indeed very grateful to the Hon'ble Ministers for this reduction. We all know that they are spending more than this sum and they require a higher pay. It is indeed a self-sacrifice on their part that they have reduced their pay, and we are very grateful to them for this. My object is only that the sum should be reduced from this head so that we may have actual figures when we pass this budget.

**Pandit Govind Ballabh Pant:** Nawab Muhammad Yusuf Sahib does not seem satisfied with the attitude adopted by Mr. Bedar in moving his motion, and he thinks that after having given notice of it Mr. Bedar should have said something more substantial to justify the motion which appears to him to be of an abnormal character.

**Nawab Muhammad Yusuf:** What I really meant was that he ought to have chosen another opportunity to ventilate his ideas and to shower compliments on the Hon'ble Ministers, and the way in which he has done this may be misunderstood.

**Pandit Govind Ballabh Pant:** My view is entirely different from that of the Nawab Sahib. Again, I want a convention to be established that at the time when the demand is made for the salaries of the Ministers they should come forward and justify to the Council their existence and the necessity of their continuance. It is one of the ordinary principles of Parliamentary life that salaries are to be voted after receiving a full explanation as to the activities of the persons concerned during the past and also an indication of their programmes for the future. In this province we have had this difficulty that gentlemen who have come forward and have been chosen for responsible posts do not belong to any specific political parties which have any clear-cut programme. They have been elected, if I may be permitted to say so, *ad hoc*, and we do not know to this day whether they are dark horses or white elephants or whether they are men possessed of the highest acumen. Under the circumstances think it is but right and proper that the Council should year by year make it a point to find out from the Hon'ble Ministers at the time when the demand for their salaries is made what they have done in the past and what they will be doing during the coming year. That is exactly the question that I want to put to the Hon'ble Ministers with the greatest respect for their personality. So far as their private individuality is concerned, I have seldom come across men possessed of greater grace or better manners or more polished deportment. But here we are concerned with the other aspect of the question, and I think it is perfectly legitimate for us to make this request to the Ministers as to what are their political views and to which school of thought they belong. What are their aspirations? What do they want to do for the country—in what direction and in what manner? What is the aim which they have in view? What is the policy that they have chalked out for their various departments? I think we have a right to demand from the Hon'ble Ministers a clear statement on all these questions. Then much of the confusion that takes place in the discussion of the budget demands will be avoided and instead of having questions raised again and again in respect of matters of policies we could confine ourselves to matters financial in the discussion of the budget estimates. This practice also obtains in some of the Presidencies that whenever a demand for salaries is made on behalf of the

Ministers the question is discussed for some time, and in Madras in fact they wanted one full day for the discussion of the salary of the Ministers. I do not mean to say that I will be taking as much time, but I say that it is an important matter and it should not be looked at as a personal aspersion on our Ministers, nor does it necessarily inply any censure on them.

**Pandit Brijnandan Prasad Misra:** Are we prohibited from making any motion of censure on them?

**Pandit Govind Ballabh Pant:** Whether we are prohibited or not, at least I do not mean to make it. Now, what I do wish to say at once is that I do not suspect the sincerity of the Hon'ble Ministers. I do not suspect their desire to do their best for their country. I believe that according to their lights they have taken these high offices on themselves, not from any motive of personal pecuniary advantage, but merely out of larger considerations. But sheer motives do not make compensation for everything else in the world, and we therefore look to the Ministers as the leaders of public opinion and as persons who are expected to reflect and to represent the views of the best and of the most cultured gentlemen who are expected to assert the national self-respect to which every Indian is entitled to aspire. It is because we expect them to be the best that we sometimes make a large inroad on their indulgence, and we accordingly expect them to attribute this to the high hopes that we have formed about them.

To begin with, I should thank the Hon'ble the Minister of Education for making the vernaculars the medium of instruction, though I think this reform might very well have been introduced a bit earlier. There is Pandit Nanak Chand who wants to share the credit with him, as he thinks that as member of the Board of Education the credit is due to him.

**Pandit Nanak Chand:** No, no.

**Pandit Govind Ballabh Pant:** Then I leave it to the Board of Intermediate Education to divide the spoils between themselves and the Hon'ble Minister. I also appreciate the labour that the Hon'ble Minister has bestowed on the Music Conference and the Art Exhibition. I further appreciate the tours which the two Ministers made at a time when feelings were running high and the steps they adopted to assuage that acerbity. I hope not only in public but also in private, possessed as they are of considerable influence, they will make it a point to speak to every person they come across, so that within a short time this communal bitterness might be regarded as a thing of the past.

Next, I should like to know what have been the legislative achievements of the Hon'ble Ministers during the year. Personally, I think their activities were exhausted in the smoking of opium. When, however, I tried to go deeper into the subject with a view to find out if there were any other measures which had been carried in their tenure of office, I was lost in the sea of wilderness, and even the Excise Conference's report could not get me over the effects of intoxication which I felt over the matter. The Excise Conference met for three or four days and they formulated certain proposals. The Hon'ble the Minister of Industries was to preside over the Conference, but somehow he took a hint from a very cautious newspaper and ran away from there having

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delivered his address. In any case the recommendations made by the Conference have ended in smoke. I daresay there was enough time for the Government to have made up its mind between the early part of January, when the deliberations of the Conference were completed, and the time when the budget was presented to the Council, but it has been singularly reticent over the matter. Now, I am not going very deeply into the details, but I do put it to the Hon'ble Minister in view of what the Hon'ble the Minister for Education said yesterday. Did he do anything which was real and specific during the year? How many new colleges have been opened? How many new schools have been started? How far has the system of education been improved? How many new policies has he formulated? How many boards and committees has he formed? After all, what is it that he is going to show that he did to enable us to communicate to our electorates outside that the Hon'ble Minister did this on account of education to achieve its progress? If he will pardon me, I will refer to the achievements of his predecessor in office. He established a number of intermediate colleges. He made an addition to the number of schools. He had a definite policy which he put forward and he had all the driving power which any man could have. I do not mean to suggest that even that was the maximum that can be done. Apart from all that, I put a more direct and specific question. What is the policy on education which the Hon'ble Minister intends to pursue during the next year and a half? I hope he is aware of the fact that he has already attained the middle age. The age of infancy is only six months in this Council. The middle age is attained with the second budget and after that he will see grey hairs on his head. So with the burdens of office added to the very short term of the office I think he is feeling all the anxiety of it, and I put the question to him as to what are his plans for the next year. My next question is even more serious, and it is this. A number of resolutions were passed by this Council relating to matters of education. Has he not given a complete go-by to them? If he has not, then I should state that we do not find a single shell provided anywhere for any of those objects. Can he make bricks without straw? If he can, well, he is a greater juggler than even Mr. Blunt. But I can say this that unless you provide funds for those schemes which the Council wants you to carry out, you are in no way respecting the wishes of the Council. We hear sometimes the Minister talking of giving a little money, but we get nothing. Under the circumstances I think it would be better if the Government goes back to the olden days when things could be done in the way in which persons in charge desired and when the public was not under a delusion as to its own power, capacity or at least the desire to influence and to hope that it could do so. So, I submit, Sir, that looking at the field of education I think that there has been nothing but stagnation during the last year. The Director of Public Instruction has nothing to do with this. He has been active. So far as he is concerned he has enough to keep him engaged. But this is part of the functions of the Hon'ble Minister. He must have a definite policy. He must insist upon the Executive Council to carry out his wishes. If it does not, there are ways with which he can exert his influence. If even then he is not successful, he can let the ignominy pass on to us. Coming now to the other equally



important department of Industries, I put the same question to the Hon'ble Minister for Industries. After all, what are your achievements of one year. I know that Mr. Burn is not here, that you did appoint a committee last year, but I consider it altogether futile. You had a policy laid down for you. There had been so many surveys conducted in so many districts and more than Rs. 1½ lakhs were spent over them. The Hon'ble Minister had at his disposal all those reports which he had received from the Inspectors, or the Directors or the Superintendents of Surveys, whatever you may call them. I want to know what action has been taken on them. I want further to know as to how many pioneer industries has he established, how many new technical schools has he started and how many new industries has he organized. We as representatives of the public have to communicate his reply to those outside and we are entitled to know what we do not know. If there is anything mystic and mysterious somewhere in the background, it is better known to him than it is known to us.

Then, Sir, the other question is about agriculture. What has been done in that direction? I do not want to know how many maunds of manure were supplied or how many more saplings were cut from one place and planted on another place, but I want to know if anything substantial has been done in that direction and what more you propose to do in the next year. After all, these committees have become only a method of putting off the evil day. There was already that big Industrial Commission. Its report was before us. Mr. Chintamani had laid down certain policy which was accepted by the entire Government and it was only left to find out ways and means of putting the proposals set forth by the Industrial Commission into force. There was no necessity for a new committee; and see the horrors of the committee. Though the committee has been sitting over it and devoting its time for 13 months or 12 months, we do not yet know when their labours are to come to an end. I assure the Hon'ble Minister that if he continues in office after these three years, there may then be time for him to put into force what his committee recommended, for when the committee has taken a year in deliberations who knows that another three years will not be required for consideration of the recommendations of the committee.

Now, I put another question to the Minister. How many new boards relating to different departments have been established? What other measures has he adopted to bring his activity into closer touch with the public? He must be remembering that in the time of his predecessor a number of committees and boards were established. I come to one other point which relates to the local bodies. I want to point out that the predecessor in office of the Minister for Local Self-Government gave us a very advanced constitution for all the district boards. Here we are asking for a change in the constitution of notified areas, town areas, and so on. What did he do and what does he propose to do in that matter? One day here the answer that he gave was that the question was under consideration, but I want to know what his attitude is towards this matter? A resolution has been passed by the Council and it has been in a way accepted by him. Then I want to know what amount of faith he has in non-official Indians. Whether he thinks that people residing in notified areas are not capable of managing those areas if they are left to themselves. I want to know what justification

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he had to hold that dyarchy should not continue in these provinces and that there should be a unitary responsible system of government. Then I want to put some other questions. They are these. Have they or have they not considered it an important part of their duty to maintain and preserve the self-respect of Indians? If so, did they move in the matter of Rai Sahib Jagdish Prasad? Did they bring it to the notice of the reserved half? Did they ask the reserved half to take action against Mr. Darling? Has the reserved half taken notice of their suggestion? What steps did they take to justify the position adopted by them? They must remember that they may be in office today; Rai Sahib Jagdish Prasad holds an equally eminent position in social circle; but when they are out of office tomorrow, Mr. Darling can treat them in the same manner. Then I would like to know what they have done in respect of the Daranagar affair, about which there has been an amount of heat. However, I will refer to it again on some other occasion. I want to know whether they consider it a part of their duty to look to these matters. I will now end with only one very humble suggestion, and it is this. Kindly look to the reports that have been and are being issued by the transferred departments in various other provinces and particularly those in Madras and Bombay and compare your own record with theirs, and if after that you feel that there is any occasion for your jubilation, I will join with you in congratulation.

**Raja Jagannath Bakhsh Singh :** What I have heard just now in connection with the vote on the salary of the Ministers seemed to me to be an unusual debate at least since the time I have been in this Council.

[A *swarajist* member :—You will hear many unusual things.]

**Raja Jagannath Bakhsh Singh :** I am told that I shall hear many unusual things; if so, I shall not be less surprised than what I am today. I am not going to deal with the points raised by the honourable member concerning the departments of the Hon'ble Ministers. I consider they are quite capable of defending themselves. The unusualness of the debate, I may once more point out, is that the Ministers are in charge of several departments—each of them has got in his portfolio a number of departments—those departments will be before the House in connection with this budget one by one and it will not be possible for each and every member of this House to dwell on all those departments even in a brief way while discussing the salary of the Ministers. However, Sir, that is a point which I have simply raised to bring it to your notice. My chief point is to say a few words in regard to the statement of the honourable member that he did not know to what party the present Ministers belonged, that he did not know what political aspect that party has, that he did not know the school of thought to which the Hon'ble Ministers belonged.

**Pandit Govind Ballabh Pant :** I said political school of thought.

**Raja Jagannath Bakhsh Singh :** Yes. I have to say a few words in connection with that. It is quite evident that the Hon'ble Ministers belong to the party which is rightly considered to be the party in the

province. It might not be a party which may not be adept in showing itself in the press ; it might not be a party which has got the cleverness of holding conferences with half a dozen persons ; it might not be a party which holds its meetings in an obscure road of a dead city and proclaims to the press that such and such resolutions have been passed. I stand here to point out that they belong to a party which is in the majority in the province, which has got the largest stake in the province, which has got to deal with the largest number of people in this province, and which is in by far the largest majority in this House. I want to impress on the Government and on the House that if the offices of the Ministers were filled by the members of any other party but that party, it would not have been a right and proper selection. I think we would have been correct in representing to the Government then that the views which the honourable member has put forth today . . . [Some swarajist members :—Still it is a nameless party.]

**Raja Jagannath Bakhsh Singh :** It may be a nameless party for those who have got a bombastic name, but nothing beyond that. But at least nobody can dispute that the party to which the Hon'ble Ministers belong has got the largest amount of interest in the province, has the largest stake in the province and consequently it does deserve the best place in the Government also. With these words I ask the House to reject the motion before us.

**Hafiz Hidayat Husain :** I had no intention of taking any part whatsoever in the debate in progress now in this House, but some of the words that have fallen from the lips of my friend Raja Jagannath Bakhsh Singh induce me to add my mite to it. The Raja Sahib has stated that the Hon'ble Ministers belong to the party of which probably he is himself one . . .

**Raja Jagannath Bakhsh Singh :** I did not say that.

**Hafiz Hidayat Husain :** and that that party commands a majority in this House. Whether the zamindar party commands a majority or does not command a majority in this House is irrelevant to the matter under discussion, but if the Hon'ble Ministers belong to that party, those who do not belong to that party have a right to expect from them that they will ever be ready to respond to the voice of progress—progress of the province in all those departments which are called the nation-building departments, that is to say, so long as they recognize it as their duty, so long as they recognize it as their proper function, so long will they command the confidence of this House and no further. My friend, the leader of the swaraj party, has asked certain questions from the Hon'ble Ministers, and I suppose the Hon'ble Ministers will, when their turn comes, give answers to those questions. I wish, however, at this stage to urge that we did not ignore one point in the discussion, and that point is this, that the Ministers are in a situation of responsibility to Government and to a greater degree of responsibility to this House. That is the position which makes them uncomfortable and is probably accountable for outturn of less substantial work than is anticipated from them. That however is due to the system under which they work. No one in this House can say that he has got one word of praise for the

[Hafiz Hidayat Husain.]

system of dyarchy; on the contrary every one of us would condemn it with all the might that is in him. But as long as that system continues, and as long as the Ministers working under that system respond to the voice of progress, whatever it emanates from the liberals or from the independents or from the swarajists, so long will they command our confidence. The Ministers have to my mind acquitted themselves not badly so far judged from this standard and command our confidence to whichever party they may belong. This is my meaning when I say that the question of party is irrelevant to the point under discussion.

**Pandit Nanak Chand :** I would not have risen to say even a single word in connection with this motion, but in view of what has fallen from my friend the honourable member representing here the British India Association (Raja Jagannath Bakhsh Singh) I feel compelled or rather forced to say something. I am not surprised to see that he has stood out so vehemently for his nameless party.

**Raja Jagannath Bakhsh Singh :** Nameless party for those who belong to no party.

**Pandit Nanak Chand :** Which has got no political programme.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** What is yours ?

**Pandit Nanak Chand :** I will let you know if you are not already aware of it. I wanted to discuss the question of the parties. It was the question of the parties on which my honourable friend Raja Jagannath Bakhsh Singh was speaking. He pointed out that the party to which he belonged and to which the Hon'ble Ministers belonged is the party in the country which has got the largest stake unlike other political parties and that all other members in this House have nothing at their back. Well, Sir, as regards the political parties, it is due to their ceaseless efforts that we have got the present Council itself; it is quite possible that the non-zamindar members might not be inheritors of great fortunes, but they are here not on the basis of what they have inherited, they are here on the basis of the confidence of their electors which they command, due purely to their personal merits. The presence of the members who do not belong to the distinguished party of the zamindars—I do not mean to speak in any terms of disparagement.

[Interjections from various parts of the House.]

**Pandit Nanak Chand :** I did not hear what was said.

**The Hon'ble the President :** The honourable member had better proceed.

**Pandit Nanak Chand :** I was saying about the members not belonging to the zamindar party, they are here as representatives elected by the free-will of the masses and they do not owe

[Cries of " zamindars have a majority ".]

**The Hon'ble the President :** It seems to me that the honourable member is forgetting what the original motion was. We are side-tracking the discussion into a question of political funds and parties—one party has political funds and the other has none—that has nothing to do with the motion before the House, which is whether the Ministers are worth

Sir, if you consider that this is irrelevant, then I will bow to your decision, but the line given to this discussion is not due to me, it was my friend Raja Jagannath Bakhsh Singh . . .

[Voices of "What about Pandit Govind Ballabh Pant" ?]

**Pandit Nanak Chand :** Pandit Govind Ballabh Pant had raised the question which was a constitutional question. He wanted to elicit from the Hon'ble Ministers themselves as to what will be their future programme, as to what has been their record of achievements in the past year.

**Kunwar Jagdish Prasad :** By a disparaging comparison.

**Pandit Nanak Chand :** Well, I do not know whether it was by a disparaging comparison or not, but the direct question that he put to the Hon'ble Ministers was that they should give a statement on their behalf of what has been their record of achievements in the past and what is their policy or programme for the future, and I think, Sir, this is quite a legitimate demand. It is a different matter that this question has not been dealt with before this House on any previous occasion. We have worked the present constitution, including this Council, for about four years only. I think the fact that a question whether of a constitutional nature or otherwise has not been raised in this House on a previous occasion during this brief period should not be urged as a bar to its being raised on the floor of this House. On that question, Sir, I maintain that the Ministers ought to be allowed a fair opportunity to say what they want to say in defence of their own policies, and it was I should think absolutely unnecessary for my friend Raja Jagannath Bakhsh Singh to import heat by attacking outside political organizations and calling names at the members who happen to represent here interests other than those of the zamindars.

**Raja Jagannath Bakhsh Singh :** On a point of order, Sir. I did not call any names.

**The Hon'ble the President :** No.

**Pandit Nanak Chand :** If he thinks that he can with impunity attack other members of the House, I can assure him that other members will be found equally able to defend themselves.

**Raja Jagannath Bakhsh Singh :** It is a misrepresentation.

**Pandit Govind Ballabh Pant :** On a point of personal explanation, In order to avoid the discussion being side-tracked to matters which I do not consider relevant to the issue raised I would say that I did not mean to cast any reflection on the zamindars. I only said this, that there was this difficulty in my way that I did not know their political programme. I was not fully possessed of their political views in respect of details of administration bearing on the various departments—that was all. I meant no offence and I did not at all deny that the Hon'ble Ministers do possess the confidence of the majority. I only congratulate Raja Jagannath Bakhsh Singh on the zeal of a convert.

**Rai Bahadur Thakur Hanuman Singh :** I wish to say a few words after what has been said by my friend Raja Jagannath Bakhsh Singh. Those who discuss the achievements and the future programme of the Ministers perhaps lose sight of the circumstances in which the Ministers are placed. In the first place that paucity of funds is a very

[Rai Bahadur Thakur Hanuman Singh.]

great handicap in their way. Then there are two things—their activities cannot be compared with the activity of their predecessors. That was the beginning of the Reforms when their predecessors had opportunities to do work and a good many things which were urgently wanted were supplied by the ex-Ministers. And what they have established and done has brought on the finances of the provinces recurring charges. For further activities the finances are not forthcoming. Had the Ministers money in their hands and if they would not have done what the province wants, then they would have been certainly blameworthy. It has been disputed that the Ministers belong to no party. They certainly belong to a party which is at present the strongest in this House and the strongest outside this House.

**Babu Bhagwati Sahai Bedar :** Did both the Ministers belong to the same party in the Council ?

**Rai Bahadur Thakur Hanuman Singh :** I did not quite follow.

**The Hon'ble the President :** The honourable member is getting side-tracked again into this old question of party. He had better proceed with his speech.

**Rai Bahadur Thakur Hanuman Singh :** As it was remarked by Pandit Nanak Chand that he and members of his party or members of his type enjoy the confidence of their constituents. Well, I say that the members of the party to which the Ministers belong enjoy the hereditary confidence of the people. I assure my friend here that they will continue to enjoy that confidence. As for their legislative achievements, legislative achievements are not acquired always. When there is necessity legislation is taken in hand, and when there is no such necessity nobody brings in legislation into this House. When there was necessity the Hon'ble Pandit Jagat Narayan and the Hon'ble Mr. Chintamani introduced Bills and had them passed. When there will be necessity the present Ministers will introduce Bills, but without necessity Bills are not introduced.

**Babu Mohan Lal Saksena :** No Bills—that is the programme of the party.

**Rai Bahadur Thakur Hanuman Singh :** They take up such programmes which they can carry out. We do not take up such programmes which fail after a time.

**Babu Mohan Lal Saksena :** We have got a permanent programme.

**Rai Bahadur Thakur Hanuman Singh :** We say what we can do. We do not say what we cannot do and give that up after a time.

Well, I have only to say, as the Leader of the other Party has said, that the Ministers enjoy our implicit confidence, and I hope they will continue to do so and enjoy our confidence in future also.

**Mr. Muhammad Aslam Saifi :** The speech that was made by the honourable leader of the Opposition had two parts. In the first part he has eulogized the personality of the two Hon'ble Ministers. I am in entire agreement with my honourable friend Pandit Govind Ballabh Pant there. The second part of the speech consisted of a questionnaire addressed to the two Hon'ble Ministers. I know they are quite capable of taking care of themselves, and I am sure that if they deem it proper

they will give replies to the questions that have been specifically put to them. But I was rather surprised at the unique rôle that the Leader of the Opposition adopted in his speech. I have gone through some of the speeches as reported in the Hansard, and I notice that usually the Leader of the Opposition points out on a motion like this the mistakes that have been committed during the period in which the Ministers have held their portfolios. But here, on the other hand, the Leader of the Opposition addressed a series of questions and wanted to know what the Ministers have done in the past and what they propose to do in the future. So far as the past is concerned, I think the question amounts to this—*Zulaiikha mari thi ki aurat?* After all the debates that have taken place in this House and after himself having participated in the debates, I think the question is somewhat redundant.

As regards the future policy of the Ministers I think that has been incorporated in the budget that has been presented to the House. Of course if there are any new suggestions to be made to the Ministers there will be ample opportunities both for the members who occupy the Swarajist benches as well those who sit on the cross-benches. He has also questioned the Hon'ble Ministers with regard to the matter which related to one of the honourable members of this House, Rai Sahib Jagdish Prasad. Of course, so far I am in entire agreement with him that if anything affects the honour and dignity of a member of this House I think every member of this House is in duty bound to uphold that dignity and honour. It is a question which does not lie entirely with the two Hon'ble Ministers. It is a matter which requires to be considered upon its merits. In connection with a question that was put in regard to this specific matter I remember the Hon'ble the Finance Member made it clear that upon one point they did not approve of the conduct of the District Magistrate of Muzaffarnagar. I am not quite sure, but I think they probably expressed their disapproval of the conduct of the District Magistrate in that one particular respect. He also referred to the Excise Conference and said that he felt intoxicated or felt the effects of intoxication in that connection. I was also a member of that Conference. I attended every meeting of that Conference. I only wish to point to the House that I did not feel anything of the intoxication which affected my honourable friend Pandit Govind Ballabh Pant. As for the Opium Smoking Bill, I think it was the unanimous desire of the House that the evil practice should be put a stop to, and the Hon'ble Minister has simply carried out that unanimous wish of the entire House.

**Pandit Bhagwat Narayan Bhargava:** I want to say only a few words about the control of local bodies by the officers of the reserved departments of Government. My point is that the district boards and municipal boards are being unduly controlled by the District Magistrates and Commissioners. I know there are certain sections in the new Act which give certain powers to these officers. But what I wish to suggest to the Hon'ble Minister of Local Self-Government is that he should zealously and jealously guard the independence of the local bodies. Not only District Magistrates but also deputy collectors, tahsildars and naib-tahsildars have been authorized by the Government to make inspections of all the institutions of the district boards; not only to make inspections, but they have also been given

[Pandit Bhagwat Narayan Bhargava.]

authority to call for any sort of records from the officers of the boards; they have been authorized even to record inspection notes, and if the boards did not want to have it done, they can send direct confidential reports to the District Magistrate. What has the Minister done to remove this encroachment on the rights and privileges of district boards? I want to bring it to the notice of the Government that there are certain District Magistrates who make attacks on the administration of district boards simply in a spirit of retaliation and nothing else. I have personal experience that District Magistrates having lost all powers as Chairmen of district boards as they were at the time of the official boards, have begun to regard district boards as simply a target for their unwarranted attacks. What has the Hon'ble Minister of Local Self-Government done to cancel that notification under which various officers have been authorized to interfere in the administration of district boards. Another fact is that District Magistrates are authorized to send an annual report on the administration of the district boards to the Commissioner. That report goes up to the Government directly without its being shown to these local bodies. I have seen in the last report sent by the Commissioner of the Jhansi division that there are certain facts which have been distorted, there are certain remarks which are entirely against the facts. Misunderstandings have been created. I know it for certain that there are some District Magistrates who occasionally send reports criticizing every department of the district boards simply on account of prejudice, but these district boards are given no opportunity whatsoever of contradicting these allegations or of showing whether these reports are correct or not. My point is that if such reports are thought necessary to be called for from the District Magistrates by the Commissioner, the district boards concerned should have an opportunity to criticize these remarks or to clear up the misunderstandings deliberately created to show the failures of non-official boards.

**Khan Bahadur Maulvi Fasih-ud-din :** I am not going to enter into a discussion whether the work of the Ministers has been good or bad, but the Socratic speech delivered this morning by the Leader of the Swarajist party leads me to have my say on some of the constitutional and interesting issues that he has raised. I do agree with him that in India we have not got the parties on the same lines as they have in England and other European countries. In fact the programmes of the few parties that do exist have no sharp line of demarcation, and for that reason it is necessary that the Ministers may as well come up with a definite policy of theirs before the discussion of the budget in order to avoid many of the discussions as regards their policy. At the same time I submit that their position by doing so will be rather difficult for the simple reason that no definite policy has been laid down by any other parties, even including the Swaraj party, for its future action. In the Swaraj party we find that there are two or three parties. There is an anti-Council party . . .

**The Hon'ble the President :** The honourable member should address himself more directly to the motion.

**Khan Bahadur Maulvi Fasih-ud-din :** I beg your pardon. Before saying anything about the work of the Ministers we should not forget



that their position is very peculiar. They are between the devil and the deep sea. They have got the stony wall of the Government on the one side and the flood of public opinion on the other. We must, therefore, make a good deal of allowance and we must be indulgent to them as regards that peculiar position of theirs. We have all joined in the matter of running down the dyarchy, and as members of the dyarchy it is quite evident that they cannot please every one of us. Every one of us has got no doubt an item of complaint against the Ministers, but we must not forget that they are not the denizens of the nether world. They are human beings after all, and on the whole I think I can challenge any one to prove that they have not done well on the whole hitherto.

**Babu Bhagwati Sahai Bedar :** Nobody denies that.

**Khan Bahadur Maulvi Fasih-ud-din :** It has been suggested or insinuated in several speeches that they have been lazy.

**Babu Bhagwati Sahai Bedar :** Who said so ?

**Khan Bahadur Maulvi Fasih-ud-din :** Well, that was my impression from the speeches. If that impression is correct, there were some honourable members who pointed out many defects in the administration of the departments that are under them. I myself have no love for a lazy Minister, but I have an actual hatred for an over-active Minister. I think that an over-active Minister does more mischief than a lazy Minister. He is like that pedlar in the Arabian Nights who had his basket of glassware before him and who began to conjure in his mind the day when he would be so rich that the King would offer him the hand of his daughter in marriage, and that if she were given to him he would kick her ; and while drawing this picture in his mind, he actually kicked his basket and broke everything before him.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The Leader of the Opposition in opening his speech said that he is not aware whether we are dark horses or white elephants. First of all at the very outset I would like to tell him that we are neither dark horses nor white elephants. We belong to a genus which may be known to him, it is called homo. The Leader of the Opposition unfortunately started his speech with a personal comparison between us and our predecessors in office. I do not like to indulge in such personal comparisons, but still I am sorry I have to say something in self-defence, although I have great respect for Mr. Chintamani and Pandit Jagat Narayan, both of whom were and are my personal friends. One thing I cannot help saying to the Leader of the Opposition is that it ill-becomes the Leader of the Swarajist party to admire and eulogize Ministers for whose defeat the Swaraj party is responsible. I do not understand the reasoning of the Leader of the Swaraj party in opposing such patriots as Mr. Chintamani, Mr. Kunzru, Pandit Gokaran Nath Misra and others if they were so praiseworthy. I think that it was a mistake. My friend has either become a convert from a swarajist or he is not a swarajist at heart at all. Sir, so far the custom in this House has been for the Ministers to explain their policy before the honourable members of this House in moving their demands for different departments. We are following the same custom which was followed for the last four or five years, and we still hope to be able to put our policy about different departments before the members of this House if we are allowed to do so and are not interrupted as my honourable colleague the Minister of Education was interrupted yesterday by the Leader of the Opposition party. He was not allowed to

[The Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan.]

survey the activities in the Education department for the year which is about to close. My friend stood up and said that he wanted a convention of this House that the Ministers should be called up to express their policy for the coming year at the time when their salary is to be voted. I am sorry to say that it would have made a very good convention if he would not have interrupted the Hon'ble Minister of Education yesterday and would have allowed him to have his say. After all, he is responsible for education, and it is only fair to us that we should be allowed to have our say before the members of this House to whom we are responsible, and if we are going to be obstructed like this, and if we are not allowed to have our say, we cannot show what we are doing. In deference to the opinion of the Leader of the Opposition though, he was discourteous to the Minister, the Hon'ble Minister respected his opinion and he did not say anything further. We have been attacked by a comparison by the Leader of the Opposition. Is it right that he should draw a comparison of the achievements of our predecessors with ours? As I have said before, I have every respect for our predecessors. Sir, the position is this that in 1921 the Reforms came in. Certain departments were transferred to popular control and changes were made in these departments to make them run according to popular control. Now I would like to put a question to the honourable members of this House. Is it their wish that after having made so many changes they want that changes after changes may be made? Do they want to change the present system to another system? We have also been asked how many boards we have formed in our departments. Boards have been appointed for different departments except Excise, which has got no central board. Every other department has got a board. Do you want that we should go on multiplying board after board in every department? These departments have already undergone many changes, and do they want us to go on making changes and thus making a mess of the whole thing.

Now, Sir, I will speak about one or two departments which have been subjected to an attack by the Leader of the Opposition party. He has made an attack on the Industries department, and I may say that it did not come to me as a surprise at all, because last evening something told me that an attack would be directed against the Industries department.

در پس آئینه طوطی صفتم داشتم اند \* آنچه اوستاد از ل گفت همان می گویم

I would like to say as to the programme for this year about the Industries department. I am not in a position to give every detail, because I am not prepared for it. When I move the demand relating to the Industries department I shall be able to give all the details. For the present I may say that the following schools have either been started or will be started in 1925 :—

Brasswork School, Moradabad.  
Ebony Carving School, Nagina.  
Weaving School, Najibabad.  
Weaving School, Tanda.  
Weaving School, Saharanpur.  
Brassware School, Benares.

We are going to start 15 aided weaving schools. In our Textile Institute we have opened classes for foremen and artizans. In our Technical Institute we have started a branch for sugar experts. Last year a loan of Rs. 1,20,000 was given to Sri Mahalakshmi Corporation. A sum of Rs. 22,000 was given to the Allahabad Law Journal. Rupees 2,000 were given to Mr. Srivastava. A sum of Rs. 20,000 was given to the non-agricultural co-operative societies.

Another point on which we have been attacked is the Muzaffarnagar case. I do not wish to say anything about it. Nor do I wish to say that I have no sympathy for those who were ill-treated at Muzaffarnagar. I would however like to ask the honourable members of this House whether it is right and fair that they should take us to task for anything which did not take place in the transferred departments. Is it right under the constitution that we should be taken to task for a thing which occurred in the reserved department? Greater things have happened in this province. Before we came in office the Criminal Law Amendment Act was applied to these provinces. I should like to ask the honourable members whether our predecessors in office were taken to task for this.

Swarajist Benches : " They were, and it is why they have been defeated."

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I was a member of the Council at that time and the Council never censured the Ministers and rightly so, because the application of the Criminal Law Amendment Act rested with the reserved departments and it was thought that the Ministers were not responsible. Sir, it is right and fair that if we do not do our duty in the transferred departments we should be attacked, but it is very unjust to attack us for things which happen in the reserved departments. This reminds me of a little story. There was a small boat and a cock and a cat were travelling together in it. After some time the cat began to think that some excuse should be found to eat the cock. It so happened that the innocent cock was crowing, and in so doing was flapping his wings. The cat said to the cock that he was raising a lot of dust. The cock said : " Aunt, if you wish to eat me up you are at liberty to do so, but so far as the dust is concerned there is no dust in the boat." This is position of the Ministers.

**Pandit Govind Ballabh Pant :** What was the end of the story ?

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Perhaps the leader of the Opposition means to suggest that the cat had eaten up the cock. I may say that our position is not like the cock which said : " Aunt, if you wish to eat me up you are at liberty to do so." I would say to the leader of the Opposition that if he can he is at liberty to do so.

**The Hon'ble Rai Rajeshwar Bali :** Most of the points to which the honourable member for Naini Tal referred have already been replied to by my honourable colleague, the Minister of Industries, and it remains for me only to deal with two or three matters.

In the first place, I should like to remove any misapprehensions that may have been created by my speech of yesterday which I delivered while introducing the Education budget. The honourable member for

[The Hon'ble Rai Rajeshwar Bali.]

Naini Tal seemed to think that I was a bit jubilant over the year's record. Far from that. What I actually did was that I reviewed the work of the department during the year 1924-25, and indeed it would have been foolish for me to suggest that I had done all that was possible to be done, or that I had done more than any of my predecessors in office or, for the matter of that, any Education Minister in India had done. I never meant to congratulate myself on the work of my department; I only wished to review it before the Council as was done before.

I have been asked to state my policy in the departments under my control. Exactly the same kind of work I was going to do yesterday, when in the middle of my speech I was interrupted by the honourable member for Naini Tal, and it was in deference to his wish, or rather that of the Swaraj Party of which he is the leader, that I did not proceed with the detailed explanation of the various reforms that we had either introduced or were going to introduce in the Education department. Now, Sir, to take me to task for what I was going to do yesterday and which I could not do on account of the interruption of the honourable member is, I submit, if anything not at all fair.

Further, it has been suggested that though the Council has passed a number of resolutions relating to the department of Education, provision for none of them has been made in the next year's budget. I confess I never anticipated this criticism, and so I have not with me here a list of all such resolutions. To the best of my recollection, resolutions relating to technical education, national education, and the introduction of the vernacular medium of examination as also one for drill and physical training were moved and passed in this Council. With regard to the resolution on technical education, I stated in the concluding portion of my speech yesterday that I was perfectly ready to make provision for manual training, etc., if the House accepted the proposal of the Hon'ble the Finance Member and thus made available more money for our purposes. As regards the resolution on national education, I may only remark that this does not entail much new expenditure to the department. As regards the question of making the vernaculars the medium of examination, I have already informed the Council that I have confirmed the regulations received from the Board of Intermediate Education on the subject. With regard to the resolution on physical training, I said at the time it was being discussed on the floor of this House that the Government intended to appoint a committee very soon, and this will be done.

**Babu Bhagwati Sahai Bedar:** What about the introduction of the *charkha* in schools?

**The Hon'ble Rai Rajeshwar Bali:** In regard to this I have also announced that spinning has been introduced in the junior classes of Anglo-Vernacular Middle schools for girls. Therefore I do not see how the charge, that we have not been respecting the desires of this House, can be laid against us. In fact we have scrupulously done our best to give effect to every resolution that has been passed by this House.

Then, Sir, it has been said that how many new boards and committees have been formed, that how many new colleges and schools have

been opened, that how many new policies we have introduced and that what are our legislative achievements. Sir, I do not wish to introduce any invidious comparisons, and I agree with my honourable colleague that comparisons are not desirable; but I wish to point out, as has been done by him, that after all every new year cannot see a number of new committees, a number of new boards, and new legislative enactments. In fact, so far as legislative enactments are concerned, I hope that this House will have more than enough next year. As I have already pointed out before we are going to introduce a Primary Education Bill. There will be the Agra University Bill. There will be a Town Area Bill and perhaps we may have to make some amendments in the Municipalities Act. It will be agreed that it is not advisable to introduce Bills without giving full consideration; and, therefore, before undertaking legislation for the expansion of Primary Education, we appointed a Special Officer to go into the whole question thoroughly and it is only recently that we have received his report. Moreover, after all there are two kinds of work which have to be done. There is one the work of the General who goes out and fights the battle, but after that there is the work of the consolidation of the new ground that has been gained. Similarly, every new legislative reform has to be followed up by considerable detailed constructive work. Rules and regulations have to be framed, and the administration under the new conditions has to be watched and guided with care and sympathy without which the very purpose of the reform may be defeated. Therefore, Sir, I do not think the House would be well-advised in suggesting the policy that the success or the failure of every Minister depends entirely on the number of committees that he appoints or on the number of new legislations that he introduces.

Then, Sir, it has been asked to what party do we belong; and what is the programme of our party. Sir, if it is insisted that I should point out to a declared programme, I may refer to the programme detailed in the manifesto that was issued at the time of the elections of 1923 by the two Ministers who were holding office at that time. True, I did not hold office at that time, but as a progressive zamindar I think I can subscribe to some extent to that programme. After all at this stage of our political progress it is not a very important question to which party we should belong. We are all for . . .

**Pandit Brijnandan Prasad Misra:** Will the Hon'ble Minister let us know whether he belongs to the progressive party or to the party of the class to which he belongs?

**The Hon'ble Rai Rajeshwar Bali:** I belong to the progressive zamindar party. After all, we all have in view a common purpose; namely on the one hand, the general progress of the country and the acquisition of more and more rights; and the reform in the administration and the development and growth of the nation-building departments like Education, Industries, Agriculture, etc., on the other. Even the Swaraj Party, so far as the constructive work is concerned, are at one with the other parties of the country. Here we are for constructive work, and in constructive work there can be no two parties in the present stage of our political progress.

Sir, I very much like to make a brief reference to our educational policy and I would have explained it very clearly yesterday had I not

[The Hon'ble Rai Rajeshwar Bali.]

been stopped. I may mention now just one or two things as briefly as possible, for this day is not an Education day. As I said yesterday, so far as universities are concerned, I am for more libraries, laboratories and museums, and more accommodation for students and teachers inside the university area. I really wish that university life in its truest sense should be built up; and we should do our part by creating conditions congenial to it by providing the facilities I have just mentioned. After that it shall rest greatly with the teachers and the students themselves and also with the influence that public opinion can be brought to bear on the universities.

As regards the Secondary Education I am entirely for the intermediate policy which was introduced by my distinguished predecessor and I propose to carry it on. I know there is a body of opinion opposed to it, but I think this policy has not yet been given sufficient trial. Then I wish to give a technical bias to education. I wish that the medical examination of the students should be done more efficiently and thoroughly and that physical training should be given on a better system.

With regard to the Vernacular Education I have already established the Board of Vernacular Education and every well-considered scheme that emanates from that Board will be given the fullest consideration. With regard to the Primary Education, my earnest desire is to expand it as far as we can. Mr. Kichlu's report has already been published; and I propose to bring in a Bill as far as possible in the next session. I wish to add more manual training classes to both English and Vernacular schools as well as to introduce agriculture to a greater extent; I propose to add next year more English classes to Vernacular schools; and, if possible, to devise means to combine and co-ordinate English education with vernacular education. In order that it may be possible to give effect to this policy of the expansion of the Primary Education we have entered into a contract with district boards with a view to stabilize their finances; and further, we have provided a sum of 2 lakhs this year for building purposes. When Mr. Kichlu's report has been fully considered we shall be able to know how much more money is needed and then I shall come forward to this Council for the voting of that money. Therefore, Sir, it is incorrect to say that we have no policy in educational matters. The charge that has been laid against us has not at all been justified.

In the end, Sir, I would finish by saying that though I may not have been able to achieve anything great or spectacular, yet I have attempted to carry on the duties entrusted to me to the best of my lights and ability.

**Pandit Govind Ballabh Pant:** I am prepared to take all that blame on my head because Mr. President is there.

**The Hon'ble the President:** The Hon'ble Minister may proceed.

**The Hon'ble Rai Rajeshwar Bali:** Therefore I do not wish to make any comparison, as I said, with my predecessors or with the Ministers in other provinces. I must say that so far as my lights go I have tried to do my best to discharge the responsibilities that have been entrusted to me.

**Pandit Govind Ballabh Pant:** I know, Sir, I have no right to speak, much less to reply. I will put in only a few words. I realize all that. The Hon'ble Minister for Industries having aptly metamorphosed himself into the cock, it is no surprise to me if he sees the spectre of the cat all around him. I may, however, tell him that it is the cocks that are in the habit of fighting with each other with a view to get the better of each other. I hope this motion will spur the Hon'ble Ministers on to further activity. There was no motive behind it. We never wanted to do the process of the cock of breaking the shell of the egg and then carrying on and adding to its family. I did not mean to do that at all, and I assure the Hon'ble Minister that so far as the noble ambition of occupying those benches is concerned, our views about dyarchy are well known. We do not consider we deserve or that they are worth occupying. They can find enough of consolation in that idea. The programmes which they have given us, I hope, will be supplemented by them further. I do not mean to enter into any controversy at this stage, and I hope that their party labels, whatever they may be, will not stand in the way of their doing the best that they can, situated as they are.

**Babu Bhagwati Sahai Bedar:** One word, Sir. Mr. Suifi has just referred to the question whether Zulekha was *mard* or *aurat*. زلیخا مرد نہ کہ عورت. In fact he wanted to make out that since we had been watching the activities of the Council from day to day it was ridiculous on our part to ask the Ministers as to what they did during the tenure of their office. I think we were justified in doing so, and neither this Council nor my noble friends Nawab Muhammad Yusuf and Raja Jagannath Bakhsh Singh had a right to resent if we asked our representatives—I mean the Hon'ble the Ministers—their achievements during the past year and what they intend to do in future.

Sir, it is everyday practice in our everyday life. For instance, when we go to our respective constituencies people inquire of us as to what we had done in the Council. Are we to tell these people to read the newspapers and not to bother us? Are we to take them to task for doing so? I believe this to be neither wise nor safe.

I regret that a simple question like this has made the discussion to drift into unpleasantness by the zealous supporters of the "nameless" party. Those personalities when asked as to which political party they belonged, said that they belonged to the zamindar party, the only party in power with vested interests. I think zamindar party is not a political party in the strict sense of the term. We have got zamindars in our party and yet these zamindars do not belong to zamindar party. As for power, I think, situated as we are, every party that will join with the Government shall come in power and the zamindar party should not boast of it. Again, they say that they have large interests, I think we have no right to talk of interest unless you have got some principle.

Now I deal with the metaphor of Mr. Suifi regarding the sex of Zulekha. Sir, in fact, Zulekha appeared to be of the neuter gender and we asked her as to what was her sex, whether she was a *mard* or a *aurat*, but unfortunately Sakina entered in and began to tell us the sex of Zulekha. We never wanted Sakina to poke her nose and reply the

[Bnbu Bhagwati Sahai Bedar.]

question. It was a simple and easy matter. I had put certain questions. The Hon'ble the Ministers ought to have replied, and I do not quite understand why others entered and made a mess of the business.

Motion negatived.

**Lala Mathura Prasad Mehrotra :** I beg to move that the demand of Rs. 6,70,821 in respect of the item regarding heads of provinces, Executive Councillors and Ministers "22.—General Administration" at pages 37 and 38 of the Detailed Estimates be reduced by Rs. 100.

It is not a real reduction, but I simply want to have some information from the Government. There are three points to which I want to draw the attention of the Government. The first is the appointment of district advisory committees. It was in this Council that we passed a resolution to appoint district advisory committees, but that resolution has not been given effect to. So far as I think it is very important. When His Excellency the Governor discusses all important matters in his Cabinet, when the Hon'ble the Finance Member puts all the items before the Finance Committee, when the Minister for Local Self-Government has the Local Self-Government Committee and all the Heads of departments have boards or standing committees, I do not think there is any reason why the district officers should not have these advisory committees. Many important matters crop up in the course of the administration, and if the district officers put them before the district advisory committees, I think it will be very good and in the interests of the district, as many matters will be settled by them to the entire satisfaction of the public at large. After all, these advisory committees will advise the district officers upon certain matters; there will be no compulsion at all. If their advice is considered right by the district officers it will be acted upon, otherwise not; or it is just possible that there may be a compromise in some matters. So I think that it is but right to give effect to that resolution.

The second point which I wish to bring to the notice of the Government is in respect of another resolution about an increase in the number of Council meetings. There is no doubt that a resolution to this effect was brought before the House and defeated, but it was due to the fact that it was not happily worded, and what we were made to understand was that there will be more meetings of the Council, say, there will be at least sixty days for non-official business. It was due to this understanding that my friend Khan Bahadur Maulvi Fasih-ud-din moved an amendment, but unfortunately that was ruled out, and I was then made to understand that if any resolution is to be brought before the House for fixing sixty days for non-official business without dividing and particularizing those days into months, the whole House will support it. I gave notice to that effect, but unfortunately you, Sir, disallowed it, and you were right in disallowing it as the matter was brought before the House within six months. I want to bring that matter also to the notice of the Government.

The third point that I want to bring to the notice of the Government is to have a representative for the Lucknow University in this Council. It was in March, 1923 that my friend, the Hon'ble Nawab



Sahib of Chhatari, brought a resolution for increasing the landlords' seats in this Council. At that time two honourable members of this House, Rai Sahib Lala Sita Ram and Babu Chhail Bihari Kapur, moved amendments for having a seat for the Lucknow University. At the suggestion of the Hon'ble the Finance Member he withdrew those amendments, and it was simply because they dealt with another subject. Then also, Sir, . . .

**Pandit Nanak Chand:** My friend Mr. Mehrotra is dealing with the representation of Lucknow University in this Council under head Heads of provinces, Executive Councillors and Ministers. I think this subject could have freely been discussed in the next head of legislative bodies.

**The Hon'ble the President:** Well, he has discussed it at any rate within the subject of Executive Councillors and their relations to resolutions exactly as they did in the matter of Ministers where we discussed at some length the fault of the Ministers in not carrying out the resolutions. Mr. Mehrotra's idea is to point out the faults of the Executive Members for not carrying out resolutions in their departments. If so, it appears to be in order.

**Lala Mathura Prasad Mehrotra:** Thank you, Sir. The members were made to understand that the matter should come through the proper channel. Since then I understand a resolution was passed by the Executive Council of the Lucknow University and a memorial was also sent to His Excellency the Governor. The reply that the University authorities received in answer to that memorial was this—that the time was very short, as two months were left for the next election and it was impossible to move the Parliament.

Sir, I have also given notice of a resolution, but unfortunately it could not come up before the Council for the last four sessions. I am still insistent in having that resolution before the House whenever that turn will come. In the meantime I want to know the mind of the Government upon the question. Sir, it is a sheer injustice to the Lucknow University to have no representative in this Council. The Council allots every year about Rs. 8,00,000 for expenses of the University and there is nobody here to explain to the members who put questions upon that figure. We all know that Mr. David stood up yesterday . . .

**The Hon'ble the President:** Now I think the member is going beyond the subject.

**Lala Mathura Prasad Mehrotra:** I will leave it. Then, Sir, I was submitting that it is a sheer injustice to the Lucknow University to have no representative in the Council.

**The Hon'ble the President:** This subject is beyond the scope of the motion.

The Council here adjourned for lunch.

After the adjournment the Deputy President took the Chair.

**Pandit Govind Ballabh Pant:** I do not in fact mean now to make any speech on the subject, as I had intended to, as I feel after all the discussion has been diverted from the actual business before us and we have no time now. I think the honourable members of the Executive Council will accept that a number of

[Pandit Govind Ballabh Pant.]

resolutions passed by this Council have not been given effect to by them and that their answers to our questions have been unsatisfactory. I do not want to develop the point further. I am also opposed to the grant for the Executive Council on constitutional grounds, being opposed to dyarchy as such. In this connection I want to congratulate the Hon'ble the Home Member for his very nice notes in connection with the Reforms Inquiry. I do not want to develop it further. I oppose the grant and support the cut.

**The Hon'ble Mr. S. P. O'Donnell:** I understand, Sir, that we are dealing with Mr. Mehrotra's motion No. 15.

**The Deputy President:** We are dealing with No. 15 along with 7, 8, 9, and 10.

**The Hon'ble Mr. S. P. O'Donnell:** Mr. Mehrotra referred to the question of advisory committees. We had on that subject a full debate last year and honourable members will find in the proceedings a full statement of our views. It is impossible for me to go into the question at length on this occasion, but after the resolution of the Council was passed, we gave the matter very full consideration and we came to the conclusion that it was impossible to resile from the position we had taken up during the debate. In our opinion it would be constitutionally unsound to appoint these committees. It would impair the responsibility of the district officer and also impair legitimate authority of the Legislative Council. A purely nominated body would command no weight of any kind. There would therefore inevitably be a demand for election and once you had an elected body as advisory committee that body would claim something in the nature of a mandate. For these reasons we regretfully came to the conclusion that it was impossible to accept this resolution. As regards the Lucknow University, there are, I fear, difficulties. If the representation of the Universities is increased, there will inevitably be demands for increased representation from other interests, demands which could not logically be resisted, and that might mean a general revision of the constitutions. It does not appear to have been the intention of Parliament when the rules were framed that there should be such a revision within the first ten years, and the Council will remember that when the resolution for increased representation for the landholders of Agra province was forwarded by this Government to the Secretary of State, the reply received was that this matter could not be taken up till the statutory period of ten years had expired. Therefore, if a similar resolution will be passed regarding the Lucknow University and if it will be forwarded to the Government of India, as it would be, the reply would be to the same effect.

As to the meetings of the Council, as I pointed out on a previous occasion, I cannot anticipate the decision of His Excellency the Governor. It rests with him and not with the Government. But if we reckon from the date on which the Council was prorogued last year up to the end of the present session, it will be found that we shall have sat, I think, for 46 days, which does not fall far short of the period suggested in the resolution moved some years ago. And, I anticipate that we shall sit for a longer period than 46 days in the coming year.

The honourable member for Naini Tal has referred rather vaguely to the number of resolutions which were not given effect to.

**Pandit Govind Ballabh Pant :** I can give the number.

**The Hon'ble Mr. S. P. O'Donnell :** I daresay the honourable member could give it. But I have not got all the resolutions with me. I think last year we published a statement and therein we showed that although the resolutions were not all accepted, yet in a great majority of cases, either the resolutions were accepted or we have taken some action on them. I do not think the position has changed in the interim.

**Pandit Nanak Chand :** I rise to say few words on the question of district advisory committees. The statement that has been made by the Hon'ble the Finance Member is as disappointing as it has ever been. He has stated that the Government has given full consideration to the views of this Council, and has pointed out that Government considers the formation of these committees as constitutionally unsound. He has not been pleased to refer to any section of the Government of India Act. From this, I understand, that there is no provision in the Government of India Act which is against the formation of these committees. It is only the opinion of the Government that it would be constitutionally unsound to form these committees. And on this ground the Government maintain that it is impossible for them to form these committees. He has further stated that if these committees are formed there would be difficulties about their constitution, and the committees, if appointed, will undermine the authority of the district officers. I do not know, Sir, if any advisory committees of this Council or Boards, either in regard to a number of departments of the Local Government or any other advisory committees in the districts, have so far undermined the authority of the officers responsible for those departments. What is wanted by the non-official opinion on this question is that advisory committees should be formed. These advisory committees cannot be treated and will not, I hope, be treated as mandatory committees in any case. Their recommendations will be of an advisory character. The formation of these committees will not entail any financial burden on the Government. If such committees are formed in every district, I am sure regrettable incidents like the Muzaffarnagar incidents in connection with the last Ram Lila will not occur. If the district officers are provided with advisory committees which are demanded by non-official members of this Council, I am sure that very difficult situations that arise in the districts now and then could be easily got over with the advice and help of these committees. I think honourable members of this House on the non-official side should press this motion and make it clear to the Government that, just as they have given full consideration to our views and failed to agree with us, we have also given full consideration to their views and are not satisfied with the decisions at which the Government have arrived and therefore we want the Government to give effect to the wishes of the House and bring advisory committees into being at an early date.

**Babu Sangam Lal :** I want to draw the attention of the Government to one very unfortunate controversy that has been raging in these provinces for the last twenty years—I mean the holding of the Council meetings at Allahabad and of the Government's stay at that place.

[Babu Sangam Lal.]

This subject has come before this Council several times. It has generated heat and divided the Council into two water-tight compartments. I think now we have arrived at a stage when this question could be solved for ever. Now that the province of Oudh has got its own University, has got its own Chief Court, and also a part of the Secretariat and other offices here, I think that if the Government adopts a reasonable attitude the question could be solved and this unfortunate controversy could be set at rest. The Government remains at Naini Tal for six months and for six months in the plains. I think if they divide this period of six months between the two cities of Allahabad and Lucknow—I leave to Mr. Pant six months at Naini Tal—when they climb down from the hills if they stay from the beginning of October up to the end of December at Allahabad and hold the Council sittings there for October, November, and December and then if they shift to Lucknow on the 1st January, remain here till they go to the hills and hold all the rest of the Council sittings here I think that would be a reasonable arrangement. My friend Mr. Pant wants to have a session of the Council at Naini Tal also. Personally, I would have no objection to that. In fact if the Hon'ble the Minister would agree to introduce his Primary Education Bill I would even agree to his convening an extraordinary meeting of the Council so that the matter may be expedited instead of its being introduced sometime in September or October. If the suggestion that I put forward and which has been put forward so many times before is adopted now, it will remove at least one cause of friction between the two sub-provinces. There is precedent for this also in the Bombay Presidency and in the Presidency of Bengal. I hope Government will give its due consideration to this matter.

**Lala Mathura Prasad Mehrotra :** I am very sorry to say that the reply of the Government is not at all convincing to me.

**The Deputy President :** You have no right of reply : you have to decide whether to withdraw your motion or not.

**Lala Mathura Prasad Mehrotra :** I am not going to withdraw my motion.

**The Hon'ble Mr. S. P. O'Donnell :** Pandit Nanak Chand does not seem to have remembered his own resolution regarding advisory committees ; because if he had done so he would have remembered that he proposed that these advisory committees should be partly elected. Now, Sir, as I showed when that resolution was under discussion, if a committee is elected it cannot be purely advisory. It is certain, in practice, to claim that it is something more than an advisory body. It is certain to say that it represents the people of the district and that therefore its advice must be looked on as something more than advice ; it must be looked on as having behind it the weight and authority of the people whom the committee represent. That is why I said that election inevitably conferred something in the nature of a mandate. If that is agreed, I do not see how it can be denied that the appointment of these committees would both weaken the responsibility of the district officer and also impair the legitimate authority of the Council, because there would be a conflict between two representative bodies.

As regards holding Council meetings at Allahabad, I am unwilling to revive the ashes of an ancient controversy. But the Council has decided that the Council Chamber should be at Lucknow and that seems to me to be a pretty clear indication that the Council desires that the meetings should be held at Lucknow. If any honourable member thinks differently it is always open to him to move a resolution in this Council that the meetings of the Council should be held at Allahabad. So far no member has moved such a resolution, and, therefore, I am entitled to assume that the general wish of the Council is that the meetings should be held at Lucknow.

**Pandit Nanak Chand:** Just a word of explanation with reference to what has been said by the Hon'ble the Finance Member. The very nomenclature given in my resolution is "district advisory committees" and therefore any suggestion that the constitution by election would have given any mandatory character to it is not maintainable.

The question was put and the Council divided as below:—

*Ayes (42).*

Babu Narayan Prasad Arora.  
 Babu Sangam Lal  
 Babu Mohan Lal Saksena.  
 Babu Damodar Das.  
 Babu Bhagwati Sahai Bedar.  
 Thakur Manjit Singh Rathor.  
 Rai Jagdish Prasad.  
 Chaudhri Sheoraj Singh.  
 Pandit Nanak Chand.  
 Thakur Shub Narayan Singh.  
 Lala Dhakan Lal.  
 Babu Nemi Saran.  
 Chaudhri Badan Singh.  
 Rao Sahib Kunwar Sardar Singh.  
 Thakur Sadho Singh.  
 Pandit Bhagwat Narayan Bhargava.  
 Pandit Jhanni Lal Pande.  
 Lieut. Raja Durga Narayan Singh  
 Pandit Sri Krishan Dutt Palwal.  
 Babu Parsidh Narayan Anand.  
 Pandit Yajna Narayan Upadhyay.

Babu Dip Narayan Roy.  
 Rai Bahadur Thakur Hanuman Singh.  
 Bhaya Hanumat Prasad Singh.  
 Pandit Baijnath Misra.  
 Pandit Govind Ballabh Pant.  
 Pandit Hargovind Pant.  
 Mr. Mukandi Lal.  
 Babu Ram Chandra Sinha.  
 Babu Sita Ram.  
 Kunwar Surendra Pratap Sahi.  
 Mr. Zahur Ahmad  
 Dr. Muhammad Naim Ansari.  
 Mr. Muhammad Aslam Saifi  
 Maulvi Obaid-ur-Rahman Khan  
 Khan Bahadur Shaikh Masud-uz-Zaman.  
 Maulvi Abdul Hakim.  
 Dr. Shafa'at Ahmad Khan.  
 Sayid Muhammad Ashiq Husain.  
 Khan Bahadur Maulvi Fasih-ud-din.  
 Mr. Ashiq Husain Mirza.  
 Lala Mathura Prasad Mehrotra.

*Noes (27).*

The Hon'ble Mr. S. P. O'Donnell.  
 The Hon'ble Raja Sir Muhammad Ali  
 Muhammad Khan, Khan Bahadur.  
 The Hon'ble Lieut Nawab Muhammad  
 Ahmad Sai'd Khan.  
 The Hon'ble Rai Rajeshwar Bah.  
 Mr. G. B. Lambert.  
 Mr. E. A. H. Blunt.  
 Kunwar Jagdish Prasad.  
 Mr. G. B. F. Muir.  
 Mr. A. C. Verrières.  
 Mr. C. E. D. Peters.  
 Mr. J. R. W. Bennett.  
 Mr. S. H. Fremantle.

Mr. R. Burn.  
 Mr. B. J. K. Hallows.  
 Mr. C. M. King.  
 Mr. F. F. R. Channer.  
 Mr. A. D. Ashdown.  
 Colonel A. W. R. Cochrane  
 Mr. A. H. Mackenzie.  
 Mr. G. Clarke.  
 Raja Muhammad Ejaz Khan.  
 Mr. H. David.  
 Babu Khem Chand.  
 Chaudhri Jaswant Singh.  
 Lala Babu Lal.  
 Hafiz Hidayat Husain.

Raja Jagannath Bakhsh Singh,

Motion agreed to.

**Pandit Govind Ballabh Pant:** I move that the demand of Rs. 62,000 in respect of the item regarding travelling allowance at page 39 of the

[Pandit Govind Ballabh Pant.]

Detailed Estimates be reduced by Rs. 10,000. Originally when I gave notice of this motion, in fact I wanted to bring it forward on financial grounds, as I had an idea which I wanted to put before the House.

As it is, now. I have a bit changed my mind, as I do not consider it proper to spring a surprise on the House in respect of a matter which concerns every individual member here. So I am treating it as a token demand now. I have only one or two points to say in this connection. One point is this: I want to know when arrangements are to be made for the reporting of speeches that will be delivered in vernacular in this House. The resolution has already been accepted by the Government and I want to know when arrangements are to be made for reporting speeches delivered in vernacular, that is in Hindi or Urdu. The second point that I wanted to know when the Government will be issuing vernacular versions of the proceedings of the Council. That was also included in the resolution which was accepted by the Government.

The third point that I want to put in is that the price of the reports at present is very high and prohibitive. I do not know if the Government is making any profit out of it, if there are many persons purchasing these reports, if this cost of eight annas per copy is such that they are gaining anything out of the transaction. If not, I would advise them to charge the same price as Madras and Bombay, namely, two annas per copy. There are reasons for this. Firstly, the proceedings of the Council should be popularized, so that there should be some sort of public political education outside the Council and they may know all about the cock and the cat. Besides this, I also think it is desirable, if it consorts with the dignity of this House, that occasionally some caricatures may be added to the reports that may be issued by the Government. In case that is not feasible, then I submit that at least the substance of the speeches that are delivered here should certainly be published in Hindi and Urdu as soon as arrangements can possibly be made and the price should not be more than two annas a copy. My own idea is that there are very few people who are purchasing Council proceedings at present and if there are not many purchasers, I see absolutely no reason why the price should not be reduced. The Government has to pay for the composition of these speeches, it has to pay for the printing; the only extra cost will be over the paper. If many copies are purchased outside, it is worth while creating an interest in the matter and popularizing them. The Madras Government has fixed 2 annas and I can assure the Hon'ble Finance Member that the volume of their proceedings is generally heavier, weightier, and thicker than that we have here weightier in more senses than one. So 2 annas a copy would not be a prohibitive price and would not, I think, be an unreasonable price.

**Babu Sangam Lal:** This Council has passed a resolution and the Hon'ble the Finance Member has accepted it that the speeches delivered in vernacular should be reported in vernacular and that the proceedings of the Council should be published in vernacular. It is only a question of time now as to when this will be given effect to. I think a supplementary estimate will be presented regarding this item very soon. Now, Sir, I think the time has come when you should allow the members

to speak in Hindi or Urdu even if they know English. In this connection I would refer to the practice which prevails in the Central Provinces Council. They have got a rule similar to our own but the President of that Council, Hon'ble Mr. Chitnavis, made a practice there that every member who spoke in English was to give a substance of that in vernacular and if a member was not able to do it then one of the Council Secretaries had to give a substance of that speech in vernacular and if a member spoke in Hindi or Urdu he had not to give a summary of that in English. So this is the established practice in the Central Provinces Council. I think, Sir, that if that practice is not followed in this Council the members who are very good speakers in Urdu or Hindi have had to speak in a language which at best is foreign to them in the same way as Hindi and Urdu are foreign to the Hon'ble the Finance Member who cannot speak even three or four sentences in these languages. Many of us feel the same difficulty in speaking in English as the Hon'ble the Finance Member does in Urdu or Hindi. We cannot express ourselves so very fluently as we would like to do so; the difficulty is the same. I think that the practice prevailing in the Central Provinces Council should now be adopted in this Council also.

**The Hon'ble Mr. S. P. O'Donnell:** I think the honourable mover of the motion does not really want a reduction of Rs. 10,000 in the travelling allowance and that his purpose would be definitely served by a reduction of Re. 1. The first point he took was in regard to the reporting of speeches in the vernacular and the publication of our proceedings in the vernacular. The Government have accepted the resolution on that subject; but it is impossible to give effect to it immediately because there are, I believe, no trained Urdu and Hindi short-hand writers available at the present moment.

A member :—" There are."

**The Hon'ble Mr. S. P. O'Donnell:** I am glad to hear that. But at present in the Police department we have to make arrangements for training men. Apart from that I should prefer to come forward with a supplementary estimate after the monsoon. If the monsoon is normal and if our revenue comes in as we expect, I should be quite prepared to bring in a supplementary estimate on the subject in November. Our financial position is very tight. Our margin is very small and I am naturally reluctant to incur any further expenditure. As I told the Council on a previous occasion, we estimate that under Land Revenue we should collect 15 lakhs more than the revised. It is now very doubtful whether that satisfaction will be fulfilled. The estimated increase under excise is also very doubtful. Therefore, it is natural that we should prefer to wait till after the monsoon when the position will be more clear. I hope the Council will recognize that this is not an unreasonable attitude on my part.

Then, Sir, as regards the price of the copies of proceedings. We sell these copies at cost-price. I am quite as anxious as the honourable members are that the proceedings of the Council should become a form of popular literature and should be read by a large proportion of the population. I must confess, however, that I doubt whether if we make a reduction in the price of the proceedings the sales will be larger. It may be that the demand for these Council proceedings is—in the

[The Hon'ble Mr. S. P. O'Donnell.]

language of the economists—highly elastic, and that if we lower the price the sales will increase proportionately. I cannot, however, regard that as more than a possibility. I am, however, prepared to examine what reduction can be made without serious loss. I do not know at the present moment what the cost of publishing these proceedings is. I am, however, quite ready to look into the matter.

**The Deputy President:** I am not called on to reply to speeches while in the Chair, but I should like to say just one word. I was under the impression that we had done with the question of the liberty of English-knowing men to speak in vernacular once for all. I am not aware of the circumstances to which the honourable member had just made a reference. So far as I am individually concerned, I shall certainly be glad to see the honourable members speaking in vernacular. But so long as the rules are what they are, it is beyond my power to exercise my discretion in the matter. It is for the honourable members to see that the rules are amended, until that is done, I am sorry that I shall have to adhere to the practice.

**Pandit Govind Ballabh Pant:** I have only to say this much to the observations of the Hon'ble the Finance Member that no further cost has to be incurred in printing these reports. You have to print them anyhow. The only extra cost is of ink and paper which should not be more than an anna and a half.

**The Hon'ble Mr. S. P. O'Donnell:** I will look into the whole matter.

**Babu Bhagwati Sahai Bedar:** My motion is something quite different from that of Pandit Govind Ballabh Pant. I wish that the halting allowance of the honourable members be also reduced as the travelling allowance has already been reduced from double to 1½ first class fares. I wish that, instead of Rs. 10, the members should be given only Rs. 8 per diem. I would have suggested the entire abolition of the allowance, but, for want of unanimity, I do not do so. The members of the district and municipal boards who come from long distances easily manage without any allowance. I do not see any reason why the members of this Council should not forego a couple of rupees from their daily allowances. I hope this will be acceptable to the House at least to the Rajas and Nawabs here, as the proposal emanates from those persons who are considered by the Government and from others to be paid agitators and hired demonstrators. I earnestly believe that persons who do not belong to this category will not object to it. The sum so saved may be utilized for holding a session at Naini Tal.

**Maulvi Muhammad Obaid-ur-Rahman Khan:** I want to oppose the reduction proposed in the daily allowance. The Swarajists have adopted a certain mode of living and perhaps for this reason they can manage to live on less than Rs. 10 a day, but those who have got a mode of living quite separate from them it is impossible for them to live on less than Rs. 10. When a certain sum has been fixed which appears to be reasonable, I do not see any reason why it should be reduced.

**Nawab Muhammad Yusuf:** There appears to be difference of opinion as to whether there should be any reduction in halting allowance or not. On the one hand, I find Maulvi Obaid-ur-Rahman Sahib saying that the



existing allowance does not at all suffice for most of us. On the other hand, my honourable friend Mr. Bedar thinks that in the interest of economy we should at least reduce the allowance by Rs. 2. I have, however, no quarrel with him. Personally, I would like honourable members of this Council bearing the expense of their halt themselves. The position therefore resolves itself into this. Either do away with the whole allowance and have nothing at all or keep it at a reasonable figure. As to what figure would be reasonable is open to discussion, and I think the Council would be well-advised in taking the matter up outside the Council. When unanimity has thus been reached, it should not be difficult for honourable members to accept the suggestion in this House.

**Rai Bahadur Thakur Hanuman Singh :** I just wish to add a word to what my honourable friend Nawab Muhammad Yusuf has said. The question of halting allowance does not merely involve the consideration of money, but that of prestige also. So I submit either the allowance should be completely done away with, or that it should remain at the existing figure.

**Khan Bahadur Shaikh Masud-uz-Zaman :** I associate myself with the remarks made by my friend Nawab Muhammad Yusuf. My own impression is that in order to show that we are really in earnest for economy, we ought to do away with the allowance altogether. Such a step would also be consistent with the dignity of the honourable members of this House. Some honourable members think that even the existing halting allowance does not suffice their expenditure. That is perfectly true, for there are different modes of living. For one it may be convenient to forego a portion of the allowance, while for others it may not. In any event, it will not be in keeping with the dignity of the honourable members of this House to reduce the allowance. My humble suggestion therefore is that either the halting allowance should be altogether abolished or that it should remain at such a figure as would justify the status of an honourable member of this august Council.

**Mr. H. David :** In order to preserve the balance of all sides I think our Nawabs, Rajas, and Khan Bahadurs should enter into a self-denying pact with the Swarajists. The Swarajists are a very economical people and they can very well, I think, if they choose, enter into that pact and refund to the Government funds at least Rs. 9 a day, and the Nawabs, the Rajas, and the Khan Bahadurs and Rai Bahadurs may give up their entire halting allowance, and if they choose with some interest over and above that sum. In that case I would leave it to the Government to allow the usual allowance to ordinary members. Other honourable members or such members who are so inclined should also reduce their halting allowance following the noble example of our Hon'ble Ministers or even entirely give it up.

**Khan Bahadur Maulvi Fasih-ud-din :** I give my whole-hearted support to the proposal of Mr. Bedar and I am for the total abolition of this allowance. Mr. David says that the Rajas, Nawabs, and Khan Bahadurs as well as the Swarajists should make a pact and should relinquish their allowance. I hope he does not mean that he should appropriate the rest of the allowance. I think we should all strongly oppose any reduction in the amount of Rs. 10 if the allowance is not to be abolished altogether, because, as has been said by my honourable friend

[Khan Bahadur Maulvi Fasih-ud-din.]

Rai Bahadur Thakur Hanuman Singh there comes in the question of prestige. We do not wish to be treated on the level of clerks by getting Rs. 2 a day, and if the Government has any intention of effecting any economy in this direction we would certainly welcome the total abolition of this travelling allowance of Rs. 10.

**Mr. Mukandi Lal :** I have a similar motion standing in my name, but I take this opportunity of making a few suggestions, as this motion also is connected with the Legislative Council. These suggestions, do not affect the merits of the present motion. If the House decides to give up the halting allowance even in its entirety, I am perfectly willing to do so; and so far as our party is concerned we are willing to give it up and even the travelling allowance. Now, I have to make a few suggestions about the Imperial Hotel which has been purchased by the Government for the residence of the members. We are at present housed in that building. One suggestion that I would like to make is this, that if the Government is going to manage the Imperial Hotel for the benefit of members there ought to be a few intellectual facilities in the Imperial Hotel. One thing that I would suggest is that a complete library of proceedings of this Council and of all the Government reports may be kept in the Imperial Hotel. The reason for this is that we cannot borrow from the library the proceedings and the Government publications and reports. I do not suggest that there may be books on general literature and politics. I only suggest that all the Government publications and reports of every department and a complete set of the proceedings of this Council may be kept there. This should be the nucleus of the library. The other suggestion is this, that the Government has been pleased to put up a telephone there. There ought to be an attendant like an ordinary chaprasi of the Council who may always be in attendance during the day time at the common room of the Imperial Hotel, so that if any member is called either by his party or by his friend or by the Government, he may at once be informed by the attendant. What is the use of keeping a telephone there if there is nobody to attend to it? This is No. 2. Suggestion No. 3 is this. We have seen that in the Punjab they have a regular club for members. Probably Madras also has one. I would suggest that the Imperial Hotel should be turned into the members' club, a sort of residential club, and all the other facilities of the club should be provided there. The fourth suggestion that I have to make is about light. Light arrangements at present in the Imperial Hotel are very defective. Instead of having two lights in one room a higher bulb, in one room, should suffice. Instead of two 25-power bulbs one of 50-power should suffice. There would be no extra expenditure in this respect. In this connection I might suggest the formation of a Members' Club Committee to manage the present Imperial Hotel and suggest means and ways of its improvement. The fifth thing that I would suggest is a tennis court for the use of the members.

**Babu Bhagwati Sahai Bedar :** I would recommend Gili-danda.

**Mr. Mukandi Lal :** I have no objection to Gili-danda being provided if Mr. Bedar wants it. In connection with the proceedings I want only to point out that we do not advocate cheapening the proceedings on the ground of economy but on the ground of their being of some

use to the public as well as to the members so that the views of the members may be ventilated before the outside public. In Madras the price is only two annas and it has been pointed out that the copy there is more bulky. Well, it depends upon the members themselves to make it bulky by their contributions to debates, but the Government can make it cheaper. My honourable colleague forgot to mention that it is prettier also. Therefore if Madras can give a prettier and more bulky volume for two annas I do not see why we cannot do the same.

**Babu Nemi Saran :** I rise to support the motion moved by my friend Mr. Bedar. It is a self-denying ordinance and I think the honourable members of this House will take it in that light. I think that instead of telling the Government as Pandit Nanak Chand told the other day that they should forego a part of their salary, it is better that we should tell by an example, and not by precept. I also want to draw attention of this House to another thing and it is about the purchase of books for the library. As all the honourable members know, the condition of the library is unsatisfactory and the number of books here on various subjects is very inadequate. The provision made is only Rs. 2,000 and I do not think that the library will be worthy of the Council unless a bigger contribution is made to it. I therefore think that this amount should be increased either by the savings which may be effected by us or by other means which the Government may find out. With these words I support the motion of Babu Bhagwati Sahai Bedar.

**Dr. Shafa'at Ahmad Khan :** The honourable member has referred to the condition of the library. I think the amount sanctioned for it is inadequate. There are few books on most of the subjects on which the members want first-hand authorities. I was astonished to find that a sum of Rs. 2,000 only was provided in the budget. I suppose that might have been due to the fact that as the library is going to be removed in 1927 to the new Council Chamber it might be thought that a good library should be developed in a permanent habitation. Members want some of the works very badly indeed, and I would suggest that Government should bring in a supplementary estimate. Though Mr. Blunt will agree with me that supplementary estimates are most undesirable, but still in this particular case I hope some additions would be made to the library. The next point is the supply of administration reports of the various authorities. We were informed, I think, three or four months ago that copies of the administration reports would be supplied to all the members. I have not got any copy yet I do not know whether other members have got.

Several voices. "None."

I should, therefore, be glad if the Government can tell us why the reports have not yet been supplied.

**Mr. Muhammad Aslam Saifi :** I wish to support the motion of my friend Mr. Mukandi Lal with regard to the Imperial Hotel. I think that this high-sounding Imperial Hotel is more or less a dignified *sarai*. There are very few conveniences there and the things mentioned by Mr. Mukandi Lal are very urgently required, as, for example, a library for the use of the members who stay there. At the same time I very much admire the proposal of Mr. Bedar with regard to the economy in the halting allowance of the members of the Council. He has

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mentioned the analogy of the municipal boards and district boards. The members there are of course not paid anything, specially the municipal members, because that is a local affair, but the district board members have to travel long distances and yet they are so patriotic that they come to attend the meetings of the board and do not claim any travelling allowance. I do not see any reason why Mr. Bedar should stick to Rs. 8 and give up Rs. 2. I think patriotism and sense of duty require that we should not only give up our halting allowance but our travelling allowance also.

**Babu Bhagwati Sahai Bedar :** Certainly. Why don't you move an amendment to that effect ?

**Mr. Muhammad Aslam Saifi :** If we have taken upon ourselves the duty to represent the people in this honourable House, we can very well bear that burden at our own expense and show to the other Councils of India that we come to discharge this duty and do not charge anything for it from the public revenues. Anyway I support both the amendments.

**The Hon'ble Mr. S. P. O'Donnell :** The difficulty about a motion of this kind is that the issues are apt to become confused. I confess that if a vote become necessary—I hope that it will not be necessary—it would be hard to say whether we are voting on the cost of the proceedings of the Council, on the question of halting allowance or on the question of providing tennis courts at the Imperial Hotel. However, I take it that the object of the honourable members is not to make this reduction of Rs. 10,000 but to bring to the notice of Government various matters that seem to them to deserve attention.

As regards halting allowances, we are entirely in the hands of the Council. If the Council desires that the halting allowance should be reduced, we are quite prepared to accede to their wish. I feel, however that this is a matter which could much better be settled outside the Council. If the general sense of the Council is in favour of reduction, it is quite easy for honourable members to acquaint us with that fact and we shall then be prepared to take the necessary action. If a vote were taken on this motion, it would be very difficult to say what the real sense of the Council was. Some members are in favour of total abolition; some propose a reduction of Rs. 2 and others perhaps consider that it should stand at the same figure. Therefore, I suggest, that the business-like course is for honourable members to discuss this matter outside the Council and then let us know what the general sense of the Council is.

As regards the Imperial Hotel, I have no figures, as I did not know that the question was going to be raised, but my impression is that we are running it at a substantial loss. The charges are extremely low, there is entirely no profit, and probably a substantial loss. The provision of an attendant is a small matter. I do not think it will be difficult to arrange for one. I am also prepared to look into the question of lights. But as regards a library I must point out that there is a public library in Lucknow city, there is another large library in the Lucknow University, there is going to be a third library, the Ganga Prasad Memorial Library, and there is the Council library

which we are gradually building up. It does seem to me that in these times of financial stringency—to use an expression of which we have got tired—should either rely on private munificence in this matter or at any rate postpone the question till the time when our finances are in a better condition.

**Pandit Nanak Chand :** What about the supply of administration reports to the members of the House ?

**The Hon'ble Mr. S. P. O'Donnell :** I think it would be an expensive matter to supply copies of every report to all the members, but they are placed in the Council library, I understand, and any member can go into the library and read them.

**Dr. Shafa'at Ahmad Khan :** But we were promised those reports.

**The Hon'ble Mr. S. P. O'Donnell :** I will look into the matter.

**Pandit Nanak Chand :** In the last Council members were provided with those reports.

**The Hon'ble Mr. S. P. O'Donnell :** I will look into the matter certainly.

**Mr. Mukandi Lal :** Will the Government consider it very expensive if only Government reports are placed in the Imperial Hotel ?

**The Hon'ble Mr. S. P. O'Donnell :** I think it will be possible to do that.

**Pandit Govind Ballabh Pant :** I am speaking only to that part of Mr. Bedar's motion which relates to the reduction in halting allowance. I am reminded of a story in this connection of one of my old friends at a certain place. Whenever we wanted to raise a subscription for any purpose, we went to him and asked him—"Will you kindly let us have your quota?" He would say—"Well, if you are going to settle all the problems on the earth today, if you are going to have a bank, if you are going to have a first class factory, if you are going to have a very fine hall and library and all these things combined, then I am going to give ten thousand, but if you want from me five rupees for this petty thing, then I am not going to join." He would have the whole thing or nothing. We must have raised a number of subscriptions, but we never succeeded in getting a shell from him.

As to the motion, as I said at the outset, I had also a substantive motion for a reduction of ten thousand and it had been put in exactly with a view to reduce the halting allowance from Rs. 10 to Rs. 8. Some friends seem to think that the Swarajists live economically. That is correct to a certain extent, and I think no Indian has any right to waste public money or his own money over self-indulgence if he can manage, but still I say that some of us have to suffer a loss of more than ten rupees in attending the Council, so two rupees more would not matter much. We wanted this cut of ten thousand in order to help the Hon'ble the Finance Member in getting the vernacular speeches reported and in doing so many other things in connection with the Council. We thought that the Council might take upon itself the financing of such measures as were being adopted at the suggestion of the Council. That was the reason why we fixed the figure at Rs. 8. The

[Pandit Govind Ballabh Pant.]

other reason was that formerly travelling allowance was given at double the rates and now it has been reduced by two-fifths. We should therefore bring both the travelling allowance and the halting allowance on a uniform level. Then, I may say, there was a resolution of this character moved in the previous Council. We Swarajists cannot claim any originality in the matter nor any particular self-sacrifice or self-denying ordinance. There was a suggestion that the halting allowance should be reduced, but I had thought that I would consult the members beforehand—some of the leading men—about this cut of ten thousand and that is why I did not exactly move it but we had decided in our party that we would ask for this cut and Mr. Bedar has taken it upon himself. He would not like to give it up, as he has a very high sense of duty. Now, it rests with the House. We are quite willing to withdraw if it is considered necessary, but we do wish that the cut may be agreed upon before we part so that we may be able to inform the Government that we have voluntarily agreed to a cut to the extent of ten thousand in order to have a provision for all those other things that are necessary in order that the business of the Council may be done in a more decent and popular manner. If this be the sense of the House that the motion should not be pressed now, we are not anxious to press it, but that can be only on the understanding that we shall be able to arrive at some conclusion before we part.

**The Deputy President :** What is No. 21 ?

**Pandit Govind Ballabh Pant :** I wanted to raise one more point and ask the Hon'ble the Finance Member about holding a session of the Council in Naini Tal, but I leave that to him. I think it would be in the interests of the Government not to come down in that part of the year and it would be in the interests of the Council not to be deprived for months and months of a session of the Council, for if meetings could be held in Naini Tal I have no doubt Government would hold one or two meetings there.

**The Deputy President :** I did not want the honourable member to make a speech.

**Pandit Govind Ballabh Pant :** I thought it just as well to finish it there.

**The Deputy President :** What is Mr. Mehrotra's No. 22? I want to know if he wants to move it or will speak to this?

**Lala Mathura Prasad Mehrotra :** I do not want to move this—I merely wanted to know from Mr. Blunt whether . . .

**The Deputy President :** If Mr. Mehrotra does not want to speak on his own notion he may speak now to No. 18. There is also a motion in the name of Pandit Sri Krishna Dutt Paliwal.

**Babu Bhagwati Sahai Bedar :** I want to know if I have a right of reply.

**Pandit Nanak Chand :** In view of the little progress made, I do not wish to move my motion.

**Lala Mathura Prasad Mehrotra :** If you look at the budget you will find that the figure of Rs. 46,000 was placed as salary of the President and Deputy President. I want to inquire whether

**The Deputy President :** That is non-votable.

**Lala Mathura Prasad Mehrotra :** I want to inquire merely whether there is an amount of Rs. 7,000 over-budgeted due to the fact that the Bill for the salary of the President was passed after the budget was prepared and Government perhaps thought the pay would be Rs. 3,000, but the Council passed Rs. 2,000? So I was under the impression that the pay of the President for the five months comes to Rs. 20,000, then the pay of the remaining period for the elected President is Rs. 14,000 and the Deputy President Rs. 5,000 which added together comes to a figure of Rs. 39,000 and not Rs. 46,000. I was under the impression that it was a case of an over-budgeting by mistake and I therefore wanted to inquire whether it is so from Mr. Blunt.

**Mr. E. A. H. Blunt :** At the time when this budget was framed the only figure that the Finance department had before it was Rs. 3,000, the figure in the Bill, and they naturally calculated on the figure of Rs. 3,000. It can hardly be called over-budgeting which is always a deliberate crime. It was due entirely to the Finance department being unable to foresee what the Council would do.

**Rai Bahadur Thakur Hanuman Singh :** Is Government prepared to move a motion to reduce the amount?

**Mr. E. A. H. Blunt :** No motion is necessary—it is non-votable.

**Babu Bhagwati Sahai Bedar :** What about my motion; has it been put and has it been lost or carried? My motion was an original motion in sense as well as in writing.

**The Deputy President :** I thought it had been withdrawn.

**Babu Bhagwati Sahai Bedar :** No, Sir. I wanted to move an amendment for the total omission of travelling and halting allowances.

**The Deputy President :** We have settled about travelling allowances already.

**Babu Bhagwati Sahai Bedar :** Then am I to withdraw it?

**Mr. Mukandi Lal :** I suggest that motion No. 18 be now put.

**The Deputy President :** I take it Nos. 19 to 24 are not going to be pressed? The question is that the demand of Rs. 62,000 in respect of the item regarding (a) Provincial Legislative Council at page 39 of the Detailed Estimates, be reduced by Rs. 10,000.

**Mr. Mukandi Lal :** As we have discussed this we should realize that if we are going to call a division and it is adopted it will be a censure on ourselves.

**The Deputy President :** I am not putting motion No. 18 (by Pandit Govind Ballabh Pant) that is withdrawn.

**Mr. Mukandi Lal :** You may put it to the Council whether it is the sense of the Council that the motion be withdrawn.

Motion No. 19 was put and negatived.

**Dr. Shafa'at Ahmad Khan :** I move that the demand of Rs. 1,35,725 in respect of the item regarding superintendents at page 40 of the Detailed Estimates be reduced by Rs. 9,000.

If honourable members will look at page 40 of the Detailed Estimates they will find that this year there is provision for 19 superintendents instead of 18. I do not know what special cause led to the increase in superintendents and I should be glad if Mr. Blunt could throw some light on this matter.

**Mr. E. A. H. Blunt :** The explanation of the extra superintendent is merely this, that he is retransferred to that head from clerks. He is the old Mir Munshi or superintendent of the old Vernacular department. When that department was abolished the Mir Munshi remained, and he still remains graded as a superintendent on superintendent's pay. Last year by mistake he was shown among clerks. All that has been done this year is to put him in his proper place as superintendent. And it is right that he should be so placed, as a superintendent is a gazetted officer. It is therefore largely a question of his *izat*. That accounts for a portion of the increase. The rest of the increase for last year is due entirely to increments. This is an incremental scale and the amount of last year has to be increased in consequence. Except for this, there is absolutely no increase whatsoever.

**Khan Bahadur Maulvi Fasih-ud-din :** How much does this new superintendent get ?

**Mr. E. A. H. Blunt :** I cannot tell you. He is getting what he has always been getting.

**Dr. Shafaat Ahmad Khan :** May I ask you when he was made superintendent ?

**Mr. E. A. H. Blunt :** He has been superintendent, I imagine, for the last six or seven years in the old Vernacular department.

**Dr. Shafa'at Ahmad Khan :** I withdraw the motion.

Motion by leave withdrawn.

**Pandit Bhagwat Narayan Bhargava :** I move that the demand of Rs. 4,27,781 in respect of the item regarding General Secretariat—establishment clerks—at page 40 of the Detailed Estimates be reduced by Rs. 27,392.

If honourable members will turn to page 40 of the Detailed Estimates they will find that in the Budget estimate for 1924-25 the provision for clerks was Rs. 4,00,389, while this year the Budget estimate is Rs. 4,27,781. I have two objects in moving this reduction. Firstly, there seems to be no apparent necessity for increasing the number of clerks from 180 to 187. The second point is, that if the post of Chief Secretary is abolished the expenditure on establishment and clerks, as well as under the general head Secretariat, will be very much reduced. On the 28th January I asked the question :—"What amount is yearly spent on the pay and allowances of the Chief Secretary and his office establishment?" The Hon'ble the Finance Member replied : "Rs. 2,40,566. This includes the pay and allowances of the Chief Secretary, the offices working under him, and the clerical establishment of the departments



under his control." My submission is that if this post is abolished, which I regard as superfluous, we can have a saving under this head. So far as I understand, the duties of the Chief Secretary are similar to those of other Secretaries. The adjective "Chief" merely gives him an air of superiority and power to interfere with the departments of his colleagues, which may be either Reserved or Transferred departments. There is no such post in the Government of India.

On these two grounds I press my motion.

**Mr. E. A. H. Blunt:** I am not very clear what the amount is which the honourable member wishes to reduce. I understand it to be Rs. 4,27,781 for clerks. That is what is given in the notice paper. In that case I really do not see what on earth it has got to do with the Chief Secretary in any shape or form, considering the fact that the Chief Secretary is shown in a totally different place.

**Pandit Bhagwat Narayan Bhargava:** On a point of explanation, Sir. As the pay of the Chief Secretary is non-votable and therefore I cannot touch it, I want to speak under this sub-head.

**Mr. E. A. H. Blunt:** I understand the honourable member now. He wants to abolish the post of Chief Secretary by dismissing a clerk. As regards the increase, this is made up of two items. One of them is given in the appendix to the memorandum, being the staff of the new Newspaper department which is to replace the old Publicity department. The cost of that in that particular place is somewhat about Rs. 15,000. The only effect of this motion will be to abolish the new Newspaper branch and deprive these clerks of their increments. The reason why there are 187 clerks instead of 180 is simply because of the creation of this new Newspaper branch. If honourable members will look—they need not look at it, they will probably take my word for it—under the miscellaneous head, they will find there that several posts, including one post of a gazetted officer, have altogether disappeared under the old Publicity department. There is in fact a saving on the transaction.

**Khan Bahadur Maulvi Fasih-ud-din:** May I know what will be the difference in the cost of the transfer of the Publicity department to the Secretariat?

**Mr. E. A. H. Blunt:** I think the figure is about Rs. 13,000. I will give the exact figure to the honourable member immediately.

**The Hon'ble Mr. S. P. O'Donnell:** As Mr. Blunt has said, the honourable member who moved this motion, because he thinks there ought not to be such an appointment as Chief Secretary, proposes to abolish the posts of certain clerks. That seems to be a procedure which is neither logical nor just. I think this is the only province in which the necessity of such an appointment has ever been called in question. There is a Chief Secretary in every other province, as there always has been. The Chief Secretary does not interfere with the other departments. He is Chief Secretary partly because he is the most senior officer, partly on account of the great importance of his departments and partly because he is in charge of the establishment of the Secretariat. It is entirely a delusion to suppose that the Chief Secretary interferes in any way with the other departments, least of all with the transferred departments. I was Chief Secretary myself, and

[The Hon'ble Mr. S. P. O'Donnell,]

in those days there was no transferred department, but I know quite well what the position of the Chief Secretary is. I know quite well that there is not even the smallest interference by the Chief Secretary with the other departments.

**Khan Bahadur Maulvi Fasih-ud-din:** What about my motion No. 29?

**The Deputy President:** I shall come to it.

**Khan Bahadur Maulvi Fasih-ud-din:** There is one item, i.e., temporary establishment of inspectors.

**The Deputy President:** That is under the head Establishment. The item of Rs. 4,27,781 comes first.

**Dr. Shafa'at Ahmad Khan:** [During this speech the Hon'ble the President resumed the Chair.] I will speak on the motion of my friend Mr. Bhargava. If honourable members will look at page 3 of the memorandum, they will find that there is a provision here in the first place for a Government reporter. In the next place for three translators. The total increase comes to Rs. 17,180. My contention is that this amount, at least part of it, that is, Rs 7,000, is not justified, and I will give you my reasons. So far as I can find out, the cost of the Newspaper branch in the Criminal Investigation department was as follows in 1922 :—

One deputy collector on Rs. 250—850 a month, i.e., Rs. 6,600. Three translators costing altogether Rs. 4,500. Two translators, Rs. 2,520 and two clerks costing about Rs. 2,000. The total cost was Rs. 15,720. Mr. Blunt will, I hope, correct me if I am wrong. The cost proposed of the new posts in the Newspaper branch in the budget is about Rs. 17,180. Add to this the pay of two Secretariat translators attached to the Newspaper branch. Their pay is Rs. 6,120. The total comes to Rs. 23,120. The increase over expenditure is consequently, Rs. 7,400. Indeed the cost should be less, as on account of the passing away of non-co-operation and the decrease in the work of the Criminal Investigation department there is no need for such a large staff. The Newspaper branch was part of the Vernacular branch of the Secretariat up to 1905. There the staff for both vernacular and newspaper work consisted of one graduate, Mir Munshi, in the superintendent's scale, eight graduate translators in the superior scale, and a number of matriculate clerks in the subordinate scale. For 16 years the Newspaper branch continued in the Criminal Investigation department and five graduate translators and one matriculate clerk were retained in 1922 and the work was transferred to the Publicity office. Now, the men in the Criminal Investigation department—I have it on reliable authority—have not been given sufficient work. They have been killing flies, as we say in Hindustani, for three years. I would suggest that these men should be transferred to the Secretariat and the amount may be reduced consequently.

**Mr. E. A. H. Blunt:** I am glad to hear the honourable member make this proposal, because he is advising us to do precisely the same thing that we have done. Out of these five Criminal Investigation departments translators we have absorbed two in the Secretariat. The other three are still wanted in the Criminal Investigation department.

A voice :—“ Doing nothing ? ”

**Mr. E. A. H. Blunt:** That is not a matter for me to say; that is a matter for other people to say; all I know is that they are wanted there, and the reduction consequent on the change actually does not appear here, it is under Police. That answers the question so far as the translators are concerned. In connection with this change, the Council will notice a motion by the Hon'ble Mr. O'Donnell down below. It is No. 39, which also has the effect of creating a saving in connection with this change by reducing the pay of the Government reporter. We have therefore actually made a reduction on the lines of the honourable member's suggestion to the extent of Rs. 7,000 or, I think possibly a little over.

**Mr. Zahur Ahmad:** For forty-two years, that is, from 1864 to 1906, the Newspaper branch was attached to the Secretariat with four men working in that department and the cost was Rs. 4,200 per annum. Then, Sir, from 1906 to 1918, two more additions were made to that department and the six men working there were transferred to the Criminal Investigation department, i.e., from 1906 to 1918 six persons worked in the Newspaper branch of the Criminal Investigation department at the cost of Rs. 10,000 per year. These gentlemen under the Criminal Investigation department did both political as well as newspaper work. In 1919-20 two more translators were added, and the cost in Criminal Investigation department amounted to Rs. 17,000 a year. In 1922 this Newspaper branch was transferred to the Publicity office. As the persons attached to the Criminal Investigation department were permanent incumbents they could not be transferred to the Publicity branch, which was only a temporary branch created owing to the non-co-operation movement, and they remained in the Criminal Investigation department. But while the work was being carried on in the Publicity office the posts of two men (one a deputy collector and the other a translator) were abolished and only six persons remained in the Criminal Investigation department to work in the Newspaper branch, namely, five translators and one clerk. These six persons were carrying on all the newspaper and all the book examining work as well as the translation of political speeches. Now that the Publicity office is abolished, these Criminal Investigation department men, five in number, who are graduates and who are capable and experienced persons and who have worked at least for fifteen years in that department were retained there simply as a nucleus staff to start the newspaper work.

Now it is proposed, Sir, that a new reporter who will also be a librarian should be appointed on an annual pay of Rs. 4,980. It is also proposed to provide some translators to work with him in that department. My proposal is that these five persons in the Criminal Investigation department, who are able graduates and have sufficient experience of Newspaper branch, and who have at present got no work in the Criminal Investigation department, should be transferred to the Newspaper branch of the Secretariat. As the Publicity department has been abolished, they are the proper persons to be given charge of this work and there is no need of appointing a reporter and a new librarian at the cost of Rs. 4,980 per annum and one of the translators proposed to be given to him should not be appointed; by which we will save another Rs. 1,320. Our whole saving will then amount to Rs. 6,300. I submit therefore that there is no need of appointing any new reporter and librarian and that these five persons who have been

[Mr. Zahur Ahmad.]

really doing the newspaper work in the Criminal Investigation department very efficiently and satisfactorily should be transferred to the Secretariat. If these persons are transferred to the Secretariat in the Newspaper branch I think there will be no need of any new appointments at the annual cost of Rs. 4,950.

We have already got a sufficient number of librarians for the Secretariat and I see that the Hon'ble the Finance Member realizing the position has now come to propose the reduction of one of the posts of librarian. So far so good; but my real objection is against the appointment of any new reporter and librarian which is proposed to be created for an ex-Publicity man over and above the heads of these five able graduate translators in order to re-start the Newspaper branch in Secretariat. Therefore, Sir, the new appointment is a wasteful expenditure and I submit that there is no need of appointing a new reporter and librarian and that the post of one of the translators should also be abolished. This will give a saving of Rs. 6,300 and the Criminal Investigation department will also be relieved of about Rs. 8,000 annually.

**Babu Mohan Lal Saksena :** I would not take the time of the Council by pressing my motion, as the position has been explained by my honourable friend Mr. Zahur Ahmad, but I would take this opportunity of bringing to the notice of this Council the achievements of the Publicity department which is going to be abolished. Sir, it is not in deference to the recommendation of the Economy Committee that this department is going to be abolished, but because it has fulfilled the object for which it was created. The object was to fight the national movement which had sprung in the land and to stabilize the Government by all means possible. When I say "by all means both fair and unfair" I refer to the publications that were issued by this department, which tried to spread all sorts of misrepresentations. Not content with that, this department also tried to spread hatred between class and class and I have got documentary proof for that now—proof which was not available when I moved a resolution about communal disturbances and when I said that the Government was to a great extent responsible for the communal dissensions. I have got the list of publications with me, and in publication No. 181 I find photographs of Hindus who were converted by the Moplas. These photographs were distributed broadcast in places of pilgrimage like Ajodhya and Kashi. This was done in the year 1922 and to a great extent the recent communal disturbances and tension are due to this incitement. If any other man had published such literature or pictures, he would have been hauled up before a court of law for creating class hatred. Now that class hatred has been created, the efforts of the Publicity department have borne fruit and Government knows that there is no chance of a united front being offered by the nationalists for some time to come, they are abolishing the Publicity department, and they are going to reward the persons who conducted this Publicity department. One of them was appointed as a librarian last year. There were already four librarians and there was no necessity of creating a new post of a head librarian and yet a post was created. Now this very librarian is going to be put in charge of the Newspaper branch simply because he was in

translators used to be in charge of the Newspaper branch and as these men are available and are senior to the new incumbent this post should go to one of them. Further, there is the Superintendent of the Vernacular department who is free, as the Vernacular department has been abolished, and this new department can very easily be placed under his charge. I hope the Finance Secretary will see his way to accept the reduction proposed.

**The Hon'ble Mr. S. P. O'Donnell :** At the rate at which we are proceeding it seems unlikely that by the close of the debate tomorrow we shall have discussed even half the motions which are down regarding General Administration. If every single petty office arrangement, such as the transfer of two clerks, is to be threshed out at length on the floor of this Council, I really see no prospect of the budget being dealt with in a business-like manner. Surely matters of that kind are matters for the Executive Government and not matters worth discussing on the floor of this Council. We transferred from the Criminal Investigation department only two clerks, because we considered that three clerks are required in the Criminal Investigation department. The Inspector-General of Police however is prepared to transfer a third on the condition that when his services are required he must go back to the Criminal Investigation department for the time being. I propose to accept that suggestion. As to the librarian, we had that post before also with three assistants under him. What we now propose to do is to combine the post of librarian with that of the Superintendent of the Newspaper branch, and that will mean a substantial economy. We must have a Superintendent in charge of this branch, and we think that this particular clerk who is now a librarian is very suitable for that appointment.

**Babu Mohan Lal Saksena :** When was the present incumbent appointed to the post of librarian ?

**The Hon'ble Mr. S. P. O'Donnell :** He was appointed to that post last year. We should not have appointed him then if it had not been necessary to do so. We are not really anxious to create unnecessary appointments.

**Babu Mohan Lal Saksena :** Is the present librarian the same man who was first employed in the Publicity office ?

**The Hon'ble Mr. S. P. O'Donnell :** Yes, he was first employed in the Publicity office, and I cannot see why that fact should stand in the way of his employment in the Newspaper branch. He did very good work indeed in the Publicity office, and I believe he is discharging his duties as librarian very satisfactorily.

**The Hon'ble the President :** Will the Hon'ble the Finance Member move his motion for reduction ?

**The Hon'ble Mr. S. P. O'Donnell :** I am sorry I did not move it before. I move that the demand of Rs. 4,27,781 in respect of the item regarding establishment clerks at page 40 of the Detailed Estimates be reduced by Rs. 3,120. Mr. Blunt has already explained the reasons for this reduction.

Pandit Bhagwat Narayan Bhargava's motion (cf. p. 316) was put and negatived.

Mr. Zahur Ahmad's motion (cf. p. 319) was put and the Council divided as below :—

*Ayes* (26).

Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Chaudhri Jaswant Singh.  
Thakur Shub Narayan Singh  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhannu Lal Pande.

Pandit Sri Krishan Datt Paliwal.  
Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhyaya.  
Pandit Govind Ballah Pant  
Pandit Hargovind Pant.  
Mr. Mukand Lal.  
Babu Ram Chandra Sinha.  
Babu Sita Ram.  
Mr. Zahur Ahmad.  
Maulvi Zahur-ud-din  
Hafiz Hidayat Husain.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.

*Noes* (41).

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Vernières  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallower.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.

Raja Muhammad Ejaz Rasul Khan.  
Mr. H. David  
Babu Khem Chand.  
Chaudhri Sheoraj Singh.  
Lala Babu Lal  
Rai Bahadur Babu Ram Nath Bhargava.  
Lala Dhakan Lal.  
Rao Sahib Kunwar Sardar Singh.  
Lieut. Raja Durga Narayan Singh.  
Lieut. Raja Bahadur Hukm Tej Pratap  
Singh.  
Rai Bahadur Thakur Hanuman Singh.  
Rai Bahadur Thakur Mashal Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Saifi.  
Maulvi Obaid-ur-Rahman Khan.  
Nawab Muhammad Yusuf.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.

Motion negatived.

The Hon'ble Mr. S. P. O'Donnell's motion (cf. p. 321) was put and agreed to.

**Mr. Zahur Ahmad :** I move that the demand of Rs. 2,300 in respect of the item regarding establishment local hill allowance at page 40 of the Detailed Estimates be omitted.

I have carefully studied the budget, the appendices, notes and memorandum and the Detailed Estimates, but I regret I have not been able to understand what the hill journey travelling allowance, the local hill allowance, the hill charges and house rent and other allowances mean and whom they are for and I shall therefore be much obliged if the Hon'ble the Finance Secretary will kindly enlighten me about them.

**Mr. E. A. H. Blunt :** The hill travelling allowance is the money that is paid to clerks for going to Naini Tal. Local hill allowance is, as far as I remember, the money drawn by servants in Naini Tal. Hill journey charges are on account of the carriage of records and necessary furniture to Naini Tal.

**Mr. Zahur Ahmad :** What are the house rent and other allowances for ?

**Mr. E. A. H. Blunt :** These are allowances paid to the clerks partly at Naini Tal and partly in Lucknow.

Motion by leave withdrawn.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** I move that the demand of Rs. 4,64,461 in respect of the item regarding General Secretariat establishment, salaries, at page 40 of the Detailed Estimates, be reduced by Rs. 1,500.

Honourable members will find that under the head, General Secretariat, sub-head Establishment there are two items—one is....

**The Hon'ble the President :** We have gone beyond that.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** Under Establishment there are four items, clerks, servants, temporary establishment, and maintenance of lawns. I want to move reductions in the temporary establishment and maintenance of lawns.

• **The Hon'ble the President :** As I have pointed out, Mr. Zahur Ahmad has already dealt with Local (hill) allowance.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** If I am allowed I want to move reductions in those two items.

**The Hon'ble the President :** It is a bit irregular. However I permit it this time. In this connection I may point out that it is better to put down individual items. In this case for instance I did not know that this motion referred to the temporary establishment. I had no idea of it. We have already passed temporary establishment and local (hill) allowance, but now we are returning to temporary establishment. It must not be taken as a precedent.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** Now, Sir, this temporary establishment was not budgeted for in the year 1923-24. It was budgeted for only in 1914-25 and the sum which was budgeted for this establishment was Rs. 14,000. Then it was found quite sufficient because no provision was made in supplementary estimates, but now the Government is going to budget Rs. 15,000 for this novel item. I do not understand what for this sum is meant and why there is an increase of Rs. 1,000. When Rs. 14,000 was sufficient for it in 1924-25 what is the necessity to increase that sum this year? The second is maintenance of lawns. There is an increase of more than Rs. 500. I cannot understand why is it budgeted for. Therefore I move that Rs. 1,500 be reduced.

**Mr. E. A. H. Blunt :** The honourable member is labouring under a misapprehension if he supposed that it was not budgeted for in 1923-24. It must be within the memory of any man who has gone through the budgets of previous years that there was no year in which money for temporary establishment has not been budgeted so far. It was merely disguised in the total. The reason why the amount has been increased in the present budget is partly because we found that Rs. 14,000 were insufficient last year and partly because owing to a ruling of the Auditor General, these temporary clerks are

[Mr. E. A. H. Blunt.]

entitled to increments, which means that they will get a little more pay in the second year than they got in the first. As to the increase in maintenance of lawns, it is due to the fact which I can only describe as extraordinary conduct on the part of the municipal board.

The municipal board of Allahabad is now compelling us to pay for the water for watering the lawns.

**The Hon'ble the President :** Does the honourable member wish to press his motion ?

**Maulvi Muhammad Obaid-ur Rahman Khan :** No.

Motion by leave withdrawn.

**Pandit Nanak Chand :** I move that the demand of Rs. 39,400 in respect of the item regarding travelling allowance at page 40 of the Detailed Estimates be reduced by Rs. 4,000.

If the honourable members will turn to page 40 of the Detailed Estimates, they will find under the head "Allowances, Honoraria, etc., Travelling allowance" a provision of Rs. 39,400, while last year only a sum of Rs. 35,400 was budgeted. I propose that the Hon'ble the Finance Member may kindly accept a cut of Rs. 4,000 under this head.

**Mr E A H. Blunt :** The increase of Rs. 4,000 in this budget is due to two facts. The first and more important fact is that the Secretariat has now to go for a couple of months to Allahabad. We cannot move bodies as large as myself and other Secretaries without a certain amount of expense. The rest is due to the propensity of the Hon'ble Ministers for travelling. That is no doubt laudable but also somewhat expensive. Those two reasons count for this Rs. 4,000.

**Pandit Nanak Chand :** In view of the explanation given by Mr. Blunt, I do not wish to press my motion.

Motion by leave withdrawn.

**Pandit Govind Ballabh Pant :** I move that the demand of Rs. 8,259 in respect of the item regarding hill journey charges at page 40 of the Detailed Estimates be reduced by Rs. 1,000.

I do not enter into the larger question as to whether the hill exodus as it is called is something in the public interest or otherwise. That is raising too large an issue and I have my own views as an individual and perhaps not as a disinterested individual, and that is much more the reason why I should not enlarge on that aspect of the question. But if health and leisure and recreation and the opportunity to do greater work and in a better manner can be regarded as compensation for a few more rupees, then I think there is some merit in the argument of the authorities, who have to deal with complicated questions, with which they cannot deal in the heated atmosphere of places which are warmer on more grounds than one, that they should have some opportunity of dealing with them in a cooler climate where they can find men like myself. Leaving that aside, I may refer only to one item, that is, about the Police department being retained at Allahabad. Again, I do not raise



the larger question. Just a few days ago before this budget was presented there was an answer given by the Hon'ble the Finance Member to the effect that it was not possible for the Government to separate the Police department from the member in charge of it, as they were concerned with very urgent matters and of a more confidential nature and of very great importance. Well, I do not know whether this is correct or incorrect, because the Government can very well change its mind within a week over a question which it considered to be very important and urgent. It may be that within a week they found that their decision was wrong and they were thinking what the right thing was. That is for them to decide and I have no right to pry into the secrets of the process of reasonings which influence their conclusions, but I do say without in any way offending the gentlemen belonging to Allahabad or Lucknow that I leave the offices to be distributed between them as they choose. But they should have the large-heartedness to think that if in fact the location of offices in one big city or the other is such an important matter that the best men in two places should enter into a cock-fight over them, then certainly the third place too which has some little interest in this matter should not be ignored by them altogether. The only deficiency in respect of the third place is, as I submitted, its cool sobriety. Then I have only this much to say that the estimate of the savings given is absolutely wrong. If it would lead to economy to the extent mentioned therein, I would not have come forward to say anything but I have worked up the figures and can say definitely that the saving cannot possibly be more than one thousand. If the office is permanently located in Allahabad and if it has to come over to Lucknow as it will be inevitable and as I am sure it will have to be done, then the saving will not exceed Rs. 350.

Then the other point is this, that this year all these clerks have engaged houses for the next year. They have left all their luggage there so that if these men are now asked to go to Allahabad, what they will have to do is this that they will ask Government for funds in order that they may go up to Naini Tal to bring back their luggage and also ask for compensation in respect of the rents that they will have to pay for the houses. Whether ultimately there will be even this economy of one thousand I cannot say. Then there are charges to be incurred for telephones, for postage, and for so many other items of miscellaneous character. If it were necessary, I would have been able to prove that in fact no saving has been effected on account of the exclusion of Naini Tal from the visits of the clerical staff of the Government. The only business-like method of carrying on the task of administration lies in having the office attached to the Secretaries. You cannot possibly have any work done in a business-like manner when you have all Secretaries located at one place and the office located at another. I can understand the Secretaries to Government being retained in Allahabad and Lucknow and though it would be to the disadvantage of Naini Tal I would be prepared to acquiesce in it, as it would lead to despatch of public work and perhaps to some economy, but, as it is, this circumlocutory way of doing things which only leads to additional expenditure in the employment of more hands than are necessary for doing the work, which only leads to wastage of money for postage, telephones, etc., is simply a device for doing a thing in three

[Pandit Govind Ballabh Pant.]

days which can be done in three minutes. Well, all that I leave to the Government to decide. I have no voice in the matter, but I do think that so far as this particular item is concerned, it cannot possibly be justified even if the vicious principles on which the Government is proceeding be such that they cannot get out of them. I may add here that I say all this in my personal capacity and not as a member of the *swaraj* party.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** In fact I from the very beginning have not been in favour of keeping the police department out of Naini Tal, while the Government will be there, but for considerations of economy I agreed to the proposal of my honourable colleague. I was reluctant because I thought that it would not increase the efficiency of the department to leave this branch either at Lucknow or at Allahabad. I am quite ready to accept the proposal of my honourable friend Pandit Govind Ballabh Pant, but I must submit to this Council that it will involve a few thousand more and I will come with a supplementary estimate for that.

The question was put and the Council divided as below:—

*Ayes* (6).

Babu Sangam Lal.  
Chaudhri Jaswant Singh.  
Bhaya Hanumat Prasad Singh

Mr. Zahur Ahmad.  
Maulvi Zahur-ud-din  
Dr. Shafa'at Ahmad Khan.

*Noes* (25).

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur  
The Hon'ble Lieut. Nizam Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.

Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Ochrane.  
Mr. A. H. Mackenzie  
Mr. G. Clarke.  
Mr. H. David.  
Babu Khem Chand.  
Rai Jagdish Prasad Sahib  
Pandit Nanak Chand.  
Pandit Baijnath Misra.

Mr. S. H. Fremantle.

Motion negatived.

**Pandit Govind Ballabh Pant:** I move that the demand of Rs. 8,21,335 in respect of the item regarding General Secretariat, total, at page 40 of the Detailed Estimates, be reduced by Rs. 1,000.

I want only to put a question or two. The question that I have to put is this, that the number of Secretaries, deputy and under Secretaries has increased considerably since the Reforms were introduced, and even in the older days there was one Indian who held the position of Chief Secretary. Now, so far as Secretaries are concerned, we have got only one Indian and among the deputy Secretaries I think, excluding Mr. Bajpai, who was only recently taken, there is no other Indian holding that post. As the number of Secretaries has gone up considerably I do not see any reason why the number of Indians should not be raised. This is not a question concerning loaves and fishes only; it is a question relating to large matters of policy. Where the Government is in direct contact with Indian Secretaries they can interpret the Indian mind and they can serve as the link between them and at least

the zamindar, the progressive or the nondescript members of the Council and, at times, they can help them in raising the political barometer or thermometer as may be necessary. So if they have more of them it will be not only in the interest of Indians, who will have their mind interpreted by their own countrymen when they are within the secrets of the Government, but also in the interest of the Government themselves in getting the propositions under discussion in the Council more effectively interpreted to some of the members in this House. Looking at the questions from both standpoints, I think it is to the interest of the Government that there should be more Indians. Even in their cadre of the Secretaries there should be room for more Indians. I know that these are reserved for the members of the I.C.S. but there are now members of the I.C.S. belonging to the Indian race who have put in service for some years, and any one of them can be appointed to one of the posts of the Secretaries of the Secretariat. There is no reason why amongst the Under Secretaries there should not be more Indians. I particularly want some members of the provincial executive service to be taken into that so that they too may get an insight into the working of the administrative machine. We are looking to the day when there will be Indianization of services altogether and for that time we have to prepare the men belonging to the provincial cadres so that they may be able to take up the heavy responsibility. With this object in view I move this proposal and hope the Government will be able to accept it. Since they had Mr. Chatterjee as Chief Secretary an Indian has been a member of the House of Lords, the Governor of a province, and Under Secretary of State for India at the India Office. When they have filled such high posts and when you have Indians in the Executive Council and the Ministers as such in the transferred departments I think you would not be now exposing yourself too much if you have more Indians in the Secretariat.

**The Hon'ble Mr. S. P. O'Donnell:** As the honourable member has himself observed, the appointments of Secretaries in the Civil Secretariat are reserved for members of the I.C.S. They are reserved by the Government of India Act. As therefore the I.C.S. is progressively Indianized the number of Indians is bound to increase. At present the majority of officers are European and therefore it is only natural that the majority of Secretaries should be Europeans. But that the present Government is not indifferent to the claims of qualified Indians can easily be shown. During the course of the last two years we have appointed three Indians to Secretariat posts. One Indian officer has been appointed as Secretary of the Board of Revenue, another has recently been appointed Secretary in the Irrigation department, and a third officer has been appointed Deputy Secretary in the Finance department. I undertook some years ago that we would always consider the claims of Indian officers and show no partiality of any kind, and the facts that I have just given are a clear proof that when suitable Indians are available their claims are not overlooked. As regards Under Secretaries, I think the honourable member has misunderstood the position.

**Pandit Govind Ballabh Pant:** I said Deputy Secretaries.

**The Hon'ble Mr. S. P. O'Donnell:** I understood Under Secretaries.

There is only one Under Secretary and he is an Indian officer.

The question was put and the Council divided as follows :—

*Ayes* (52).

Mr. H. David.  
Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Shib Narayan Singh.  
Rai Bahadur Babu Ram Nath Bhargava.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Lieut. Raja Durga Narayan Singh.  
Lieut. Raja Bahadur Hukm, Tej Pratap Singh.  
Pandit Sri Krishan Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Babu Dip Narayan Roy.

Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.  
Pandit Baijnath Misra.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Babu Sita Ram.  
Kunwar Surendra Pratap Sahi.  
Mr. Zahur Ahmad.  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Maulvi Obaid-ur-Rahman Khan.  
Hafiz Hidayat Husain.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Maulvi Abdul Hakim.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.  
Dr. Ganesh Prasad.

*Noes* (22).

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.

Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. E. Burn.  
Mr. B. J. K. Hallowes.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad E'jaz Rasul Khan.  
Babu Khem Chand.

Motion agreed to.

**Maulvi Obaid-ur-Rahman Khan:** I move that the demand of Rs. 28,610 in respect of the item regarding Inspector of Offices.—Establishment at page 40 of the Detailed Estimates be reduced by Rs. 6,400.

Sir, I really wonder how the Government is generous to contribute money to these temporary establishments. I have already pointed out once that they have contributed some Rs. 1,000 more this year, and now they are giving more than Rs. 6,000. This is an item which had no place in the budget, as far as I can understand from looking at the budgets for 1923-24 or 1924-25. Only Rs. 4,000 were brought last year before the Council as a supplementary estimate. Now, in the present year they are demanding about Rs. 10,414, and at the same time there are also other temporary establishments which are taking a large sum of money. I do not see any necessity for these temporary establishments and the reason for the generosity on the part of the Government to contribute so much. I therefore move this reduction.

**Rai Bahadur Thakur Hanuman Singh:** I rise to move an amendment to the motion of my friend Maulvi Obaid-ur-Rahman Khan. I move that substitute Rs. 5,000 for Rs. 6,400. Much has been said by the honourable mover so there remains little to be said in that connection. There has been shown no necessity of this increase in the figures supplied in the Detailed Estimates. At the same time the tendency for temporary establishments is increasing. No doubt there must be reasons for it and unless those reasons are made known to us we cannot make up our mind to consent to this expenditure. We should like to hear the Financial Secretary on this point.

**Mr. E. A. H. Blunt:** The temporary establishments for next year are some special inspectors put on to inquire into *tagavi* accounts. It was found last year that these accounts were extraordinarily muddled in many districts and that there was considerable fear of consequent loss of money; in fact, it is quite possible that they will discover such loss of money. At all events it is most imperative to go into this system of *tagavi* accounts and put it right. That is a very big business indeed. It involves examination of thousands of small *khata*s in several districts and it is a job which cannot be done in a month or two. We started it last year. That accounts for the supplementary estimate for Rs. 4,000, but that was only for three or four months. This year in all probability the staff will have to be entertained for the whole of the year and it is that and that only which accounts for the increase. It is simply that last year they were engaged for only three or four months, but during the budget year they will be engaged for the whole of the year.

**Khan Bahadur Maulvi Fasih-ud-din:** I have proposed a similar cut in my motion No. 29 which I will not move because many of the other items included in that motion have already been discussed.

I want to say just a few words. It has now come to me as a revelation that this extra staff is needed in order to overhaul the accounts of *tagavi* in certain districts. It is a wonder to me that these accounts should have been kept in such a muddled state as to require a special staff costing Rs. 14,000 and over in order to overhaul them, I have been in many districts, and I have found out that in some of the districts the accounts were rather in a state of confusion. I could have them corrected by the ordinary staff. But in this particular case, if the accounts are really so bad, then, the question arises as to whether the existing staff of inspectors is unable to cope with the work, and if it is unable, why. We are curious to know as to the nature of this muddled state of accounts, as to the mistakes that are to be found in those accounts, as to whether there is any misappropriation, and if so, to what extent.

**The Hon'ble Mr. S. P. O'Donnell:** We should have been very glad to have had this work done by the ordinary staff if it had been possible. At first it was attempted to get the accounts set right by the ordinary staff; but then it was reported that unless we put on special staff there was no chance of getting these accounts into order. There is no doubt that in the past, in some districts the distribution of *tagavi* was not supervised as carefully as it should have been. And in one district of

[Mr. S. P. O'Donnell.]

Muttra many years ago *tagavi* was distributed lavishly. We have now at last succeeded in getting things right in that district. There are several other districts however in which the accounts are in a bad way. I think that is due in part to the system in force. We have looked into the question very carefully, and we have decided as an experimental measure to be applied in the first instance in selected districts to alter the system of accounts and keep only a single system of accounts instead of double system of accounts. We cannot, until we have experimented with the new system, extend it to the whole province, and therefore, I cannot, say what the final decision will be in regard to this matter. Though I have little doubt that the present system will have to be changed. There is no doubt however that in a number of districts the accounts are so confused that it is absolutely necessary to put on special staff in order to get them right. The ordinary staff of the Chief Inspector is fully occupied. The Chief Inspector has to inspect all the offices in the province and it is impossible for him to take on the additional work of inspecting and examining these accounts. It is most important to get these accounts corrected, because if they are not two bad consequences will ensue. One is that our realizations will suffer and the other is that probably mistakes will be made in the collections. That is why we have put on extra staff, and I assure my honourable friend that if we could have got this work done by the ordinary staff we would have done so.

**Khan Bahadur Maulvi Fasih-ud-din :** Are the officers responsible for this state of accounts brought to book ?

**The Hon'ble Mr. S. P. O'Donnell :** I have not found it possible to do so. In the case of Muttra the errors go back to 1903 or thereabout and there have been succession of sub-divisional officers in charge.

**Rai Bahadur Thakur Hanuman Singh :** I withdraw my amendment.  
Amendment by leave withdrawn.

**The Hon'ble the President :** The question is that the demand of Rs. 28,610 in respect of the item regarding Inspector of Offices—salaries—establishment—be reduced by Rs. 6,400.

The Council divided as below :—

*Ayes* (86).

Babu Narayan Prasad Arora.  
Babu Sangam Lal  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Jai Narayan Chaudhri.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Thakur Shib Narayan Singh.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.

Pandit Jhanni Lal Pande.  
Lieut. Raja Durga Narayan Singh.  
Pandit Sri Krishan Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Babu Dip Narayan Roy.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant  
Babu Ram Chandra Sinha.  
Babu Sita Ram.  
Maulvi Zahur-ud-din.  
Maulvi Obaid-ur-Rahman Khan.  
Dr Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husain Mirza  
Lala Mathura Prasad Mehrotra  
Raja Shambhu Dayal.  
Lieut Raja Shaikh Imtiaz Rasul Khan.

## Noes (27).

The Hon'ble Mr. S. P. O'Donnell.  
 The Hon'ble Raja Sir Muhammad Ali  
 Muhammad Khan, Khan Bahadur.  
 The Hon'ble Lieut Nawab Muhammad  
 Ahmad Sa'id Khan  
 The Hon'ble Rai Rajeshwar Bahi  
 Mr. G. B. Lambert  
 Mr. E. A. H. Blunt.  
 Kunwar Jagdish Prasad.  
 Mr. G. B. F. Muir.  
 Mr. A. C. Verrières  
 Mr. C. E. D. Peters.  
 Mr. J. R. W. Bennett  
 Mr. S. H. Fremantle

Mr. R. Burn.  
 Mr. B. J. K. Hallows.  
 Mr. C. M. King.  
 Mr. F. F. R. Channer.  
 Mr. A. D. Ashdown.  
 Colonel A. W. R. Oochrane.  
 Mr. A. H. Mackenzie.  
 Mr. G. Clarke  
 Raja Muhammad E'jaz Rasul Khan.  
 Babu Khem Chand.  
 Bhaya Hanumat Prasad Singh.  
 Pandit Baijnath Misra.  
 Kunwar Surendra Pratap Sahi,  
 Mr. Muhammad Aslam Shafi.

Maulvi Abdul Hakim.

Motion agreed to.

**Mr. H. David :** I beg to move that the demand of Rs. 55,700 in respect of the item at page 40 of the Detailed Estimates be reduced by Rs. 9,500. When this appointment was created in 1923 on the abolition of general superintendents there was a tremendous commotion over it. I find from the estimate that the expenditure has been ever increasing. It was Rs. 33,000 in 1923-24, rose to Rs. 46,000 in 1924-25 and in the estimate for 1925-26 it is over Rs. 55,000. I find that the difference is made up of temporary establishment. It was Rs. 4,000 in 1924-25 and has grown up to Rs. 10,000 in 1925-26. I find that the explanation of Mr. Blunt is always plausible. I shall wait his explanation in respect of travelling allowances. There was yet no explanation offered. It has risen from Rs. 1,000 to Rs. 3,700. If Mr. Blunt will give a similar plausible explanation I shall withdraw my motion.

**Mr. E. A. H. Blunt :** The honourable member has taken the supplementary estimate as a basis for argument, which is a somewhat serious mistake. He was comparing the supplementary estimate of Rs. 1,000 with the total provision for the following year. The thousand rupees there is simply an *extra* thousand rupees. The figure shown in the revised is Rs. 6,500. Well, I admit that I do not understand why. That must be a mistake, for the very good reason that the travelling allowance of the Chief Inspector of Offices and his inspectors is fixed and consequently cannot possibly be less than the budgeted figure. The honourable member may take it from me that there is some mistake here on the part of the Accountant-General. The reason why this amount has been increased to Rs. 10,200 in the budget for 1925-26 is the presence of temporary staff. Because there are two more men they will naturally do more travelling. The actual increase is Rs. 1,280. Otherwise it is exactly the same as last year.

**Mr. H. David :** I withdraw my motion.

Motion by leave withdrawn.

**The Hon'ble the President :** Tomorrow we begin with No. 55.

The Council was then adjourned to the following day.





# LEGISLATIVE COUNCIL. UNITED PROVINCES OF AGRA AND OUDH.

*Thursday, 19th March, 1925.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

## PRESENT :

The Hon'ble Mr. S. P. O'Donnell.	Chaudhri Badan Singh.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.	Rao Sahib Kunwar Sardar Singh.
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Thakur Sadho Singh.
The Hon'ble Rai Rajeshwar Bali.	Pandit Bijnandan Prasad Misra.
Mr. G. B. Lambert.	Pandit Bhagwat Narayan Bhargava.
Mr. E. A. H. Blunt.	Pandit Jhanni Lal Pande.
Kunwar Jagdish Prasad.	Lieut. Raja Durga Narayan Singh.
Mr. G. B. F. Muir.	Lieut. Raja Bahadur Hukm Tej Pratap Singh.
Mr. A. C. Verrières.	Pandit Sri Krishna Dutt Paliwal.
Mr. C. E. D. Peters.	Babu Parsidh Narayan Anad.
Mr. J. E. W. Bennett.	Pandit Yajna Narayan Upadhya.
Mr. S. H. Fremantle.	Babu Dip Narayan Roy.
Mr. R. Burn.	Rai Bahadur Thakur Hanuman Singh.
Mr. B. J. K. Hallowes.	Bhaya Hanumat Prasad Singh.
Mr. C. M. King.	Pandit Baijnath Misra.
Mr. F. F. R. Channer.	Pandit Govind Ballabh Pant.
Mr. A. D. Ashdown.	Pandit Hargovind Pant.
Colonel A. W. R. Cochran.	Mr. Mukandi Lal.
Mr. A. H. Mackenzie.	Babu Ram Chandra Sinha.
Mr. G. Clarke.	Kunwar Rajendra Singh.
Raja Muhammad E'jaz Rasul Khan.	Rai Bahadur Thakur Mashal Singh.
Raja Bahadur Brij Narayan Rai.	Babu Sita Ram.
Mr. H. David.	Kunwar Surendra Pratap Sahi.
Babu Khem Chand.	Dr. Muhammad Naim Ansari.
Babu Narayan Prasad Arora.	Mr. Muhammad Aslam Saifi.
Babu Sangam Lal.	Maulvi Zahur-ud-din.
Babu Mohan Lal Saksena.	Maulvi Obaid-ur-Rahman Khan.
Babu Damodar Das.	Hafiz Hidayat Husain.
Babu Bhagwati Sahai Bedar.	Khan Bahadur Shaikh Masud-uz-Zaman
Thakur Manjit Singh Rathor.	Nawab Muhammad Yusuf.
2nd-Lieut. Chaudhri Balwant Singh.	Dr. Shafa'at Ahmad Khan.
Rai Jagdish Prasad Sahib.	Saiyid Muhammad Ashiq Husain.
Chaudhri Jaswant Singh.	Khan Bahadur Maulvi Fasih-ud-din.
Chaudhri Sheoraj Singh.	Mr. Ashiq Husain Mirza.
Pandit Nanak Chand.	Khan Bahadur Munshi Siddiq Ahmad.
Lala Babu Lal.	Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Thakur Shib Narayan Singh.	Mr. St. George H. S. Jackson.
Rai Bahadur Babu Ram Nath Bhargava.	Lala Mathura Prasad Mehrotra.
Rai Amba Prasad Sahib.	Lieut. Raja Shaikh Imtiaz Rasul Khan.
Rai Bahadur Pandit Kharagjit Misra.	Raja Jagannath Bakhsh Singh.
Lala Dhakan Lal.	Dr. Ganesh Prasad.
Babu Nemi Saran.	

## THE BUDGET, 1925-26.

### DISCUSSION OF DEMANDS FOR GRANTS.

#### Demand No. 4. Head 22—General Administration.

The Hon'ble the President : The Hon'ble the Minister for Industries wishes to make a statement on behalf of the Ministers.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** What I wish to remind the honourable members of this House is this, that the other day the Excise department was not reached simply because the discussions on the other departments were prolonged. To-day civil works is also included in the agenda, and I am afraid that the same fate may meet it as befell the excise demand. So I hope honourable members will try to pass through general administration and come to civil works.

**Pandit Govind Ballabh Pant :** Is it not possible to take up civil works now and take up general administration afterwards?

**The Hon'ble the President :** I cannot alter the allotment made by the Governor.

**Pandit Nanak Chand :** I move that the demand of Rs. 8,77,035 in respect of the item regarding total, Civil Secretariat (voted) at page 40 of the Detailed Estimates be reduced by Rs. 100.

Under this head I wanted to draw the attention of the House to the allowance of the Chief Secretary, which he gets while he is at Lucknow. My information is that no other Secretary gets any allowance for his stay at Lucknow, and it is only the Chief Secretary who gets such allowance. I hope that this reduction which I have moved to draw the attention of the Government will not be taken in any personal sense by the present occupant of that dignified office, because I know he is going on leave and he will not be a loser if this is accepted by the Government in principle. In case the Government accepts it, I will not press; in case the Government does not accept the underlying principle, I will see whether I should press it or not.

**The Hon'ble Mr. S. P. O'Donnell :** This question threatens to become another King Charles' head. It has been raised at every budget discussion in which I have had the privilege to take part. On previous occasions I have satisfied the Council that the allowance is entirely reasonable, but the honourable member for Bulandshahr is not satisfied. He returns again and again to the charge, and I have no doubt we shall hear more from him next year on the same subject. The justification for the allowance is simply that while the Chief Secretary is at Lucknow he is put to very exceptional expense. I can speak from personal experience on that point, because I have been myself a Chief Secretary and I know that my expenses were far greater simply because I was a Chief Secretary than they were when I held the post of Judicial Secretary. The fact is that the Chief Secretary is supposed practically to keep an open house for the various officers who come into Lucknow. His house is never empty. It is part of the business of the Chief Secretary not only to interview officers, but to put up many of them when they come to Lucknow. His expenses during the time he is in Lucknow—I am speaking from my own experience—are at least Rs. 300 to Rs. 400 more than that of any other Secretary. That is the justification for this small allowance which has always been drawn by the Chief Secretary.

Motion negatived.

**Khan Bahadur Maulvi Fasih-ud-din :** I beg to move that the demand of Rs. 82,858 in respect of the item regarding salaries of clerks and Court of Wards department clerks at page 41 of the Detailed Estimates be reduced by Rs. 5,000.

The item to which I refer consists of two items. The first is the item of Rs. 53,942 relating to the expenditure on the general establishment clerks, and the second is the item of Rs. 28,916 relating to the clerical establishment of the Court of Wards. I propose to move this reduction on the ground that the first item is in excess of the revised figure for the current year by about Rs. 2,000 and odd, and similarly the figure for the establishment of the Court of Wards clerks is in excess of the revised figure for the current year by about Rs. 3,000. I tried to find out the reason for this large increase in the expenditure for the clerical establishments of these two offices; but I could not find any satisfactory reason for this. Situated as we are our budget is a deficit budget, and I think that we should not allow any excess unless some substantial grounds are given for that excess.

**Mr. S. H. Fremantle :** As regards the increase of expenditure in the General Establishment of the Board of Revenue, it is explained in the Budget memorandum at page 41 that the increase, apart from what is due to increments, is accounted for by provision of pay for the additional clerical staff introduced in 1924-25 by means of a supplementary estimate. We now have to pay for the whole of that staff in the coming year. That supplementary estimate was sanctioned by the Council as put forward except in the case of steno-typists whose pay we propose to increase. When Mr. Mehrotra moved a resolution about this increase in staff, he said that he did not object to the increase in itself but objected to its being brought in the middle of the year. The case of one clerk and the increase in the pay of chaprasis, I represented, was absolutely necessary. I thought that the steno-typists might wait for a few months for being put on a scale which was justified by the work they had to do and by the pay drawn by steno-typists in other departments, but I agreed to its being postponed until the present year. That is why it now appears in the budget. If any justification is required for that increase in the pay of the steno-typists, I would point out that it was passed by the Finance Committee as far back as June, 1923, and it was fixed in accordance with the pay drawn in other departmental offices. It is slightly more than the pay drawn by the steno-typists in Collectors' offices, but less than that drawn in the Judicial Commissioner's court and also less than the pay of most of the headquarters offices, and much less of course than the pay drawn in the Secretariat. I hope that the Council will not object to this small increase which is absolutely necessary.

**Mr. R. Burn :** I rise to explain the second part of the increase to which the honourable member has referred. The sole reason for the increase is the grant of ordinary increments to the clerks. There are 18 clerks in the Court of Wards establishment in the Board of Revenue. There has been no addition in the number of the establishment and there has been no change in the scale of their pay. If the honourable member will look at the revised figures for the total of that branch he will find that the excess in the budget is only of Rs. 12,000. That total has not been distributed over all the heads, but the increase is solely due to the grant of increments.

**Khan Bahadur Maulvi Fasih-ud-din :** In these circumstances I beg to withdraw my motion.

Motion by leave withdrawn.

**Pandit Govind Ballabh Pant:** May I make a suggestion? There is a motion No. 133 by Pandit Sri Krishna Dutt Paliwal which refers to the head of the General Administration total. Would it not be possible to take in the end all questions of policy that relate to nominal cuts?

**The Hon'ble the President:** This is what I should like, but honourable members are not prepared to forego their rights of moving their motions.

**Chaudhri Badan Singh:** I beg to move that the demand of Rs. 63,742 in respect of the item regarding establishment at page 41 of the Detailed Estimates be reduced by Rs. 100. The reason for moving this motion is that the question of record operations and settlement has several times been discussed in this honourable House and every time the Government have sustained defeat. In my opinion the Members of the Board of Revenue are responsible for the continuation of the record operations? If they would have recommended the cause of zamindars the operations would have been postponed.

**The Hon'ble Mr. S. P. O'Donnell:** I rise on a point of order. Does not this come under the head "Land Revenue"? There is provision for land records in the Land Revenue budget which will be discussed at a later date.

**The Hon'ble the President:** The honourable member will get an opportunity to raise this point when the Land Revenue budget is discussed. The motion was accordingly withdrawn from consideration.

**Rai Bahadur Thakur Hanuman Singh:** I beg to move that the demand of Rs. 36,364 in respect of the item regarding total Court of Wards department at page 41 of the Detailed Estimates be reduced by Re. 1. Sir, before I proceed to make a few observations on the management of the Court of Wards I wish to thank the Government and specially the Court of Wards for helping the landlords in saving their estates from passing into the hands of money-lenders or moneyed classes. There is no zamindar who is not grateful to the Government and the Court of Wards for this service to the landlord community. Just as everything else, it is not free from defects on which comments cannot be made. Whenever there is any proposal for a certain estate to be taken over under the Court of Wards, the Court of Wards take time to make up their mind to take the estate under their management, and the result is that in the meanwhile the matter grows worse. After a time when the Court of Wards decide to take the estate under the Court of Wards they at times find it rather too difficult to save the estate. I therefore submit, Sir, that if the Court of Wards department makes up its mind at the earliest opportunity to take over the management of an estate, it will prevent it from getting into a hopeless condition. At the same time I cannot help mentioning the fact that while some estates which are quite solvent are placed under the control of the Court of Wards, there are others which, though involved heavily in debt, are never taken over by the Court of Wards. Under the Act, the Court of Wards department has the power to take over the management of any estate, whether the proprietor of it so wishes or not, if the amount of debt reaches a limit interest of which is one-third of the net income. I would therefore urge upon the department that before an estate is sold off either in part or in whole arrangements should be made to assume its management.

I now come to the question of management. The management of the Court of Wards is on the whole good. Nevertheless there are certain

matters to which I consider it my duty to invite the attention of the Government. The first is in regard to the selection of managers for these estates. A man who is considered to be efficient in executive line is generally appointed to the post of manager. My humble submission is that though he may be an efficient officer in the regular line, he may not be equally efficient as manager of an estate. The estate management requires certain special knowledge, and to my mind only those deputy collectors should be selected for the posts of managers who belong to the land-owning class. Such men are expected to take greater interest in the management of an estate than anybody else, for they are endowed with the hereditary skill to look after landed property. Again, I should like to submit that junior members of the taluqdar's family, who have received certain education, should be given preference to outsiders in respect of appointments according to their education and fitness. I find that the claims of these junior members of the families of taluqdars or zamindars have never been considered and on that account there are many who are in search of employment, but they are not getting. In my opinion their claims should be very favourably considered, and I hope that the Court of Wards will not have the same sort of regard towards them as some taluqdars have towards the junior members of their families.

**Raja Jagannath Bakhsh Singh :** May I ask the honourable member to explain his point ?

**Rai Bahadur Thakur Hanuman Singh :** This is not the time for it. I will do so later on when there will be an opportunity for it. There is going to be introduced in the Council an amending Bill to the Oudh Estates Act, and when that Bill will come up, then I will explain the point to the entire satisfaction of the honourable member. Then I come to education. Sir, education of the wards under the Court of Wards is not so satisfactory as one should expect. If the taluqdars or zamindars fail to educate their sons it is on account of the fact that they do not appreciate education so much as the educated people do. But those wards who happen to be under the supervision of the Court of Wards should receive much better education than under their parents. There are three methods which are employed in educating these wards. The first is by putting them into schools or colleges, but generally they are put in the schools or colleges where sons of aristocrats are being taught. Their state is just like that as the proverb goes " Nao ko Nao ke sath bandhne se bah jati hai." In this connection I want to say that if they be put into ordinary schools and allowed to rub shoulders with the commonest of the common, I think they would turn out better students and better managers of their estates. But unfortunately that is not done. We have got a Colvin Institute in Lucknow, but it is not imparting that sort of education which was expected it would. I hope the Court of Wards will do what it can to re-organize and to have it better supervised than at present. Then some of them receive education at their homes under private tutors. This to my mind is very very objectionable. The wards while receiving education should be kept remote from domestic environments. The domestic environments are not at all satisfactory for information of character of the ward. When they are free after receiving their lessons from private tutors they have no other company but that of the menial servants or of their relatives which is not congenial to their proper development and which cannot inspire the boys with anything but what is

[Rai Bahadur Thakur Hanuman Singh.]

undesirable. In some cases guardian teachers are appointed. Well, this I think is a better way of imparting education, but in this case selection of teachers should be made very carefully. Mercenary teachers cannot be expected to bring them up in the way in which they ought to be. I am sorry, Sir, to utter a few remarks which, though unpleasant yet, I find it my incumbent duty to make them. In cases where European teachers and guardians are appointed, the wards are brought up with a sense in them that they belong to some inferior race. That from the Indian point of view is very very undesirable. I hope the Court of Wards will see that European teachers do their best to bring up the boys just in the same manner in which they would bring up a boy of their own race.

**Babu Damodar Das:** Do you want them to be Anglicized?

**Rai Bahadur Thakur Hanuman Singh:** Then there are certain estates under the Court of Wards the owners of which are females. These estates were taken under the Court of Wards management as soon as their husbands died. The female owners were never given a chance to manage their estates since then, nor will they be till they are dead and they simply live upon the allowances that are granted to them by the Court of Wards. When other female owners are allowed to manage their own estates there appears to be no reason why the proprietresses of those estates which are under the Court of Wards should not be given a chance to prove their fitness to manage them, and I think they should be restored to them by way of trial, and Government should see whether they can or cannot manage their estates, and if they are found unfit, the Court of Wards can again take them under their management. I think it is a great hardship on them. They have no descendants; their interest in the estates is for life only and they have to live simply like servants on an allowance of Rs. 500, Rs. 1,000 or Rs. 2,000 per month. I hope this question will be fully considered by the Government and the Court of Wards and that they will arrive at some fair decision.

I desire to speak a word or two about the advisory board which has very recently been established. I think this advisory board should be given certain powers of making its own proposals regarding important matters connected with management. Without those powers I think it will not be able to justify its existence.

With these few words I resume my seat.

**Lieut. Raja Durga Narayan Singh:** I move that the demand of Rs. 36,364 in respect of the item regarding total, Court of Wards department at page 41 of the Detailed Estimates be reduced by Rs. 11.

Looking at the report of the Court of Wards for 1923 I find that large amounts have been spent every year on the management and on the education of the wards, but if we look to the estates and to the wards, we find that it is no use for the department to spend so much amount over them, when their education did not reach the point when they could manage their estates, or do good to the public, or to their estates. In 1923 there were 88 wards, including girls. If we look into the estates that have been released, we find that the wards whose estates have been released are not running on good lines. I cannot throw the whole blame upon the wards because I think that an infant is not to be blamed if he has not been taught on right lines, or if he has not acquired that training which a big landlord

or a person of high class ought to receive, but I would certainly blame the Court of Wards for it. There are certain estates in Oudh and also in the province of Agra where wards are not little boys but are of an age when a good guardian could control them, but instead of giving them good guardians, governesses have been appointed in their stead. The honourable members of this House can very well think that a governess cannot teach a boy of 11, 12 or 15 years.

The other complaint that I have got against the department is this that ladies of noble families are not treated nicely by special managers. On each and every occasion they are put to great difficulties, and the result is that there is always a struggle between the special manager and those ladies. So I hope that the Court of Wards department will look into these matters and see that such a state of things no longer remains there.

There are certain matters in which the ward is specially interested. I mean to say that there are certain matters which are for the good of the ward for his future career. But in these matters the wards are not consulted by the department and in certain respects the wards are obliged or rather forced to work on the sweet will of the department. I think this is very hard on them. There are some managers who have been running the estates for more than twenty years as if they have got a permanent lease to manage those; and they will never try that those estates in which they enjoy like rulers or landlords should be released from the Court of Wards. I think a time limit of service should be fixed for the managers as in other departments. I am glad to know that the resolution of my friend Raja Jagannath Bakhsh Singh has been accepted by the Government, but acceptance of the resolution will bear no good unless and until the resolution is given effect to very soon.

With these few words I commend my motion.

**Raja Jagannath Bakhsh Singh:** A number of points have been already dealt with by several speakers. I will confine myself to a very few words on the subject, as lately I got one opportunity of speaking on the subject at a greater length.

This large argument of the honourable the last speaker which he has made is the one I want to emphasize to a certain extent, that is, the transfer of the managers. I think he has pointed out the right thing. It is at present the practice to allow the managers to remain for longer years in one district. This principle of transfer of such officials has already been accepted to be a good principle, and I think it should be also enforced in the Court of Wards department. It will do good to the estates if they are allowed to remain under the management of one manager for a fixed period. I think this is an obviously important and a self-evident point, and I need not make it out at a greater length.

**Babu Sita Ram:** The Government was pleased to accept the resolution of my honourable friend Raja Jagannath Bakhsh Singh to bring in a Bill to revise the Court of Wards Act, and I will not therefore deal with any point that may be covered by the new Court of Wards Act when it will be laid before the Council. I will however deal with the points that arise from the working of the present constitution. It is a matter of satisfaction that the members of the landlord community are taking great interest in their own affairs and are trying to remove the anomalies or the anomalous administration from which they are suffering. I will present before the House the aspect of those persons who suffer at the hands of the

[Babu Sita Ram.]

Court of Wards employees. The Hon'ble the Finance Member on the last occasion was pleased to challenge Pandit Brijnandan Prasad and threaten him that he would be liable to a suit for defamation if he made those statements outside the Council, but I request the Hon'ble the Finance Member to examine the working of the Court of Wards administration in the Kheri district and probably he will change his opinion. When I had an occasion to speak to Sir Ludovic Porter, the late Finance Member, regarding the Court of Wards administration in Kheri district in 1921 after the murder of the late Mr. Willoughby, who was a popular officer there, he told me that the Court of Wards administration in that district was absolutely wrong, and probably if the Hon'ble the Finance Member will look into the records of that time he will also come to hold the same opinion. But since that time matters have not improved—they are still where they were. If the corruption is not more, it is certainly not less. The honourable members on the Government benches possess the wonderful capacity of metamorphosis—a Minister can change himself, transform himself into a fowl and can make us look like little cats. I am not going to request the Hon'ble the Finance Member to make that jump. I request him to maintain his present species, but to transform himself into a tenant and go to a ziladari in Kheri district and be a tenant there. If he should happen to possess a cow, he will find that the milk of that cow is not destined for him. It will go to the subordinates of Mr. Burn, and if he should happen to possess a herd of cattle, then he will be obliged to sell his *ghee* at a much lower rate than what it is sold in the market. If he should, by his industry, happen to become a little rich, then he will find one day a police officer implicating him in some offences with the help of the ziladar, and whatever little earning he has made will be distributed between the police officer and the ziladar. These are the things of everyday occurrence in the district and where there is supreme power of the Court of Wards administration—and they are not remedied. These things should be remedied if the Government wants that there should be peace amongst the tenantry. Then, Sir, on the last occasion the Hon'ble Mr. Burn was pleased to say that the statements made by my friend Pandit Brijnandan Prasad regarding the spoils from the profits of the estates were untrue, but if he will examine in Kheri district what amount of petrol was purchased in any particular year since the time that motor cars have been in vogue, and amount of that petrol . . .

**Mr R. Burn :** May I explain that the member for Pilibhit said that the cost of managing an estate under the Court of Wards averaged 20 per cent. or more, and I said that statement was not correct. The actual figure is 12 per cent. which is gradually being brought down to a figure of 10 per cent.

**Babu Sita Ram :** Well, I am referring to this. If he will find out what amount of petrol was purchased in any particular year and how much of it was used for the benefit of the ward himself and how much was used for the officers of the Court of Wards or other officers, then he will come to find that a very great deal of that petrol was not used on the ward, that much of it was used for the officers of the Court of Wards and other employees. Then I will request him to examine the figures as to the amount spent in the upkeep of elephants in the Kheri district and to let the Council know for how many days those elephants were used by



the wards and their relations and for how much time they have been used for the Government officers, then it will come out that the wards are the least benefited by their properties, while the so-called trustees enjoy all the benefits from the trust properties. These things require very careful consideration at the hands of the Government, and as this motion has been brought forward by my honourable friend the Raja Sahib of Tirwa and Rai Bahadur Thakur Hanuman Singh, I hope the Council will unanimously support it.

**Rai Bahadur Thakur Mashal Singh :** Rai Bahadur Thakur Hanuman Singh has in the opening of his speech suggested that the management of the Court of Wards estates should be taken a little earlier than it is not taken in cases when the estate is indebted. He meant to say that when it is seen that the proprietor is running into debt his estate should be taken under the management of the Court of Wards. I think if his suggestion is accepted it will be very hard on the liberty of the zamindars, because when a man suppose borrows money for any legitimate purpose his estate is liable to be taken under the management of the Court of Wards. Will it not be a great check on the liberty of that particular zamindar ?

**Rai Bahadur Thakur Hanuman Singh :** I think my friend is mistaken to think that as soon as a man begins to contract certain debts his estate should be taken over under the management of the Court of Wards. I meant that when it is found that the case is going to be a hopeless one, then the estate should be taken over under the management of the Court of Wards.

**Rai Bahadur Thakur Mashal Singh :** If it is so, I have no quarrel with that. There is, I think, a law according to which when the interest on the debt which is due from a proprietor amounts to one-third of the profits for the estate, the estate is usually taken under the management of Court of Wards. That, I think, is a good criterion, and I do not think any change is needed there.

As to the education of wards, I think the Raja Sahib of Tirwa has spoken from his own personal experience ; and I think his presence in the Council is a compliment to the management of Court of Wards. His estate was under the management of Court of Wards when he was a minor, and the way in which he was brought up, the way in which he was educated, is a compliment, I think, to the department of Mr. Burn.

**Rai Bahadur Thakur Hanuman Singh :** One exception does not make the rule.

**Rai Bahadur Thakur Mashal Singh :** Whatever he has said he has said no doubt from his personal experience, and I think the suggestions which he has made are very good and it would be advantageous to the Board of Revenue if they think over the matter and act up to the suggestions of the Raja Sahib. He is no doubt correct when he says that a governess is not meant to teach a boy of 15 or 16 years of age. If really there is such a case where a governess has been appointed for a grown-up boy I think the Board of Revenue will consider twice before appointing another governess in another place. Small children can no doubt be taught by governesses, but in some cases it has been found that the appointment a governess has proved a failure. So, these things are such as would

[Rai Bahadur Thakur Mashal Singh.]

require looking into, and the honourable member of the Board of Revenue, Mr. Burn, will, I hope, give his best attention to the suggestions made by the Raja Sahib of Tirwa.

As to the state of affairs in the Kheri district or other districts so far as the Court of Wards management is concerned, I think it is no new thing to us. The Court of Wards is a big zamindar. These motors and other conveyances which belong to the zamindars are frequently used by the officers. That is an open secret. And the Court of Wards being the biggest zamindar in the province, I think the same rule applies there.

As to the hardship of the oppression of the zamindars on the tenants, no doubt the Kheri district has become notorious, and I have heard for a long time such complaints from that district, and I would support my honourable friend Babu Sita Ram in this, that the state of affairs in the Kheri district, so far as the Court of Wards is concerned, is not good.

**Mr. R. Burn :** In the first place I wish to express my thanks to the honourable members of this Council who have, in some cases from personal experience expressed the opinion that Court of Wards management on the whole has been beneficial. That will give pleasure to special managers, collectors and other officials of Court of Wards, and I gratefully acknowledge it on their behalf. At the same time, I recognize that every year the department is exposed to criticism. I always consider that useful criticism is stimulating. Thakur Hanuman Singh has attacked the general policy of the Court of Wards, or rather criticized it in the first place on the ground that it takes too long about undertaking charge of an indebted estate. That criticism was anticipated by my friends who sit opposite when they said two or three weeks ago that the Court of Wards is always on the look-out for an opportunity of grabbing estates so that posts could be found for officials and others. I do not think that remark will be taken very seriously. But the honourable member for Hardoi has sounded a note of warning. The fact is that district officers are bound to look at this matter not only from the point of view of the owner of the estate, but also from the point of view of tenants. The honourable member for Kheri will probably be surprised to hear this. But it is a fact. We have to regard all the circumstances of a case. The Court of Wards is not a bankruptcy court. It is not on the look-out to provide for parasite officials. It has to consider the question of taking over the management of an estate from a number of points of view. It is bound by the provisions of the law. I cannot recommend to Government the disqualifications of a proprietor who wishes to pursue his way to debt and eventual loss of the estate unless I can show that the interest on the debts which have been contracted exceed a certain figure. A great deal of time is taken by district officers, Commissioners and the Board of Revenue in considering such cases which are never reported and which do not come to anything. I can assure both these members of Oudh districts that while we are continually watching the circumstances of indebted estates, at the same time we do not wish to interfere before some necessity is proved by consideration of all the circumstances.

The next head of criticism which I wish to discuss relates to the question of management of estates. Here, again, the honourable mover said generously that on the whole the management was good. He thought,

however, that the system of selecting special managers was capable of improvement and the mere fact that a man was a successful tahsildar or a sub-divisional officer did not necessarily imply that he would make a good estate manager. I entirely agree with him in that remark. We take considerable care in selecting managers. Under the orders of the Government we cannot ordinarily appoint a special manager or assistant manager except by deputation from Government officials. We keep up a list of approved candidates for this, and entry in that list is not a mere matter of form or *sifarish*. Very careful inquiries were made from district officers through Commissioners and names were entered only after the most careful scrutiny. That list will be revised shortly, and I will impress on the district officers who make nominations that the fact that a candidate belongs to a landholding family should be given due weight in making recommendations. It is not the case, as has been suggested, that we shut out wards or their relations altogether. One of our successful managers in an Oudh district at present is the brother of the owner of an estate in our charge. In another district, Kheri, the son of a ward is also doing extremely well as assistant manager. I think there can be no doubt that district officers with whom the responsibility ultimately lies, even where a special manager has been appointed, do their best to get useful work from the near relations of wards. Connected with this question is the training of wards in estate management. With the help of the advisory board that question has been examined recently very fully and instructions are going out now which will, we hope, give Collectors better guidance than they have had in the past regarding the method in which this instruction should be given. At the same time we must not overlook the fact that every relation or even every ward is not entirely tractable in this matter. If honourable members will refer to the report for the last year they will find that in one district of the three minor wards who were learnings estate management two were reported to have taken no interest at all. It is comparatively easy to take a horse to water, but it is not always so easy to make him drink, when you have got him there. On the question of education generally, I also agree entirely with the honourable mover that school life is valuable for discipline and for contact with people of different classes. If, however, he meant to say that the Colvin School was a place of inferior merit for that purpose, I am not prepared to agree with him. In fact not long ago certain wards were removed from the Colvin School and sent to another school with a very good reputation and they simply came away from there. The Colvin School is a school of which taluqdars are rightly proud, and I understand that the trustees of that school are prepared, if zamindars of Agra so desire, to extend its benefits to the sons of zamindars in that province. Criticisms have also been made on the appointment of private tutors. Private tutors as a substitute for school certainly do not appeal to me, but out of 88 minor wards at the end of last year only six were being educated at home under private tutors and the majority of those were too young to send to school. It is our policy as soon as a boy is fit to go to school we send him there. Occasionally we have difficulty with his mother or his grand-mother, and I have no doubt that differences of opinion on that question are very often at the root of the disagreements between special managers and the ladies of the family to which reference has been made.

**Rai Bahadur Thakur Hanuman Singh:** In matters of education this should not be regarded.

**Mr. R. Burn :** That may be the case. Even if we subscribe to that doctrine, it does not remove the anger of the lady whose wishes are not regarded. In some case, in the case of wards belonging to wealthy estates, we have appointed European tutors, and we do that with the idea of giving boys the benefit of public school training in England. There is in this country frequently a movement to start schools on the lines of public schools in England.

Next comes the question of whether we retain the management of estates for too long. Where an estate has been indebted and we borrowed money to pay off debts on extortionate interest, we are not permitted to restore those estates until debts have been extinguished. As a rule estates are released as soon as the debts are completely paid off, but there certainly are cases in which estates are retained for one reason or another. In some cases, of course, a ward has been disqualified because of mental defects. If those still continue, the management continues. I imagine, however, that the criticism is chiefly directed against the estates of ladies. Even in those cases, whenever ladies desire to have the management restored to them the circumstances of the case are carefully considered, and in the last few years a number of such estates have been released where satisfactory arrangements were made for management.

A suggestion has been made that executive powers should be given to the newly-constituted advisory board. That is a proposal which seems to me quite impossible under the law as it stands and a very doubtful policy. After all the Court of Wards is in the position of a trustee and it can delegate powers only to persons who are entirely under its control. It seems to me hardly a practicable policy even to legislate that executive powers should be given to an advisory board.

The honourable member for Farrukhabad has complained that in certain cases wards are not consulted. That is a matter on which reference has been made to this House on previous occasions, and certainly now on any important matter, such as the sale of villages and purchase of property, where a ward is of an age to understand such things, he is consulted. The honourable Raja also said that there was constant friction between the ladies and the special managers. I have referred to that point, but I can assure him again that the complaint is not a prevalent one, and I could quote, if necessary, a number of instances in which lady wards protested against the transfers of managers or have given testimony to the value of the work which had been done for their estates. It has also been suggested that a rule should be made that special managers should be transferred after six years. It seems to me undesirable to lay down any rule of that kind. In actual practice there are only two or three special managers now who have been in the same district for more than six years, and there are special reasons in every one of those cases. The honourable member for Kheri has repeated his general denunciation of everything connected with the Court of Wards in the district which has the honour to be represented by him. His speech would make an excellent election manifesto and he will probably think it desirable to republish it with a few of the caricatures which one of his colleagues suggested as appendices to the Council proceedings. I do not think the Council will desire me to take more of their time in dealing with his speech.

**Pandit Baijnath Misra :** The motion before the House relating to the general management of the Court of Wards is indeed a very important one. The subject has been dealt with from every standpoint, both

from the standpoint of the wards and from the standpoint of the managers of the Court of Wards. I think there is very little left on which I should speak; for if I speak at all I shall only be repeating the remarks made by one side or the other and thereby taking unnecessarily the time of the House. But there is one thing that occurs to my mind, and it is a doubt about one point which I expected to be cleared by the speech of the honourable member in charge of the Court of Wards, but was not, and I take the liberty of expressing it before the House in the hope that the honourable member in charge of the Court of Wards will kindly take a note of it. I refer to the remarks that were made by the honourable member, the Raja of Tirwa, about the appointment of the guardians of the wards. When an estate is taken under the Court of Wards it becomes the duty of the Court of Wards to look after the education of the ward. In some cases, if not in most, guardians too are appointed to look after the wards. If I remember rightly the Court of Wards Act provides that in appointing guardians regard should be had to what is prescribed by the Guardians and Wards Act in this connection. If I mistake not, the Guardians and Wards Act lays down that in selecting guardians preference should be given to the natural guardians. I have heard the Hon'ble Mr. Burn say (I am open to correction in this respect) that in many cases guardians have been appointed with the idea of giving the wards that sort of education which is given in public schools in England. I have no experience of the way in which boys are educated in public schools in England, but there is one thing that occurs to my mind and I express it only for the consideration of the honourable member in charge of the Court of Wards. The sons of magnates and big zamindars have to be educated in order to be good and worthy members of their family. They should therefore be trained in the traditions of their family and they should be given good religious education. I do not know how far it is possible for a European guardian, howsoever capable he may be to give education on the lines of the public schools in England, to give the real sort of education that is required for the wards. There was another point mentioned in the speech of the honourable member, the Raja of Tirwa, and it was that in certain cases governesses were appointed to look after boys of a certain age. I was expecting to hear something on this point, but I waited in vain. I hope the honourable member in charge of the Court of Wards will take into consideration these two points when he looks into the management of the Court of Wards next time.

**Rai Bahadur Thakur Hanuman Singh:** I wish to withdraw my motion.

Motion by leave withdrawn.

**Lient Raja Durga Narayan Singh:** I beg to withdraw my motion.

Motion by leave withdrawn.

**Lala Mathura Prasad Mehrotra:** I beg to move that the demand of Rs. 2,46,795 in respect of the item regarding Secretariat and headquarters establishment (Board of Revenue) at page 41 of the Detailed Estimates be reduced by Rs. 100.

I rise to perform a very painful duty this morning in criticizing the conduct of the Board of Revenue in respect of certain sections of the Agra Tenancy Act and the Oudh Rent (Amendment) Act. As a landlord and as a representative of the landlords I deem it my duty to point out to this

[Lala Mathura Prasad Mehrotra.]

House some of the breaches that have been recently made in those sections, especially because they raise a constitutional issue, besides affecting the zamindari interests. In the first place, I would like to refer to the famous or infamous circular letters of the Board of Revenue, namely, Nos 6-Judl. 320 and 10-Judl. 323 of 1924 about ejectment *sui s.* By these letters the Board of Revenue have usurped the privilege of legislation which this House has the honour to enjoy. It is the business of this Council alone to make laws or to amend Acts, and not that of the executive authorities. The question, therefore, now arises as to whether it was right on the part of the Board of Revenue to issue the letters referred to without the permission of this House. Taking apart, there is a further question whether they have done any harm to the zamindars or to the tenants. The answer of the former is the emphatic "No" and that of the latter is equally emphatic "yes". My humble submission is, Sir, that they have caused hardship to the both—to the zamindars, inasmuch as they have invested lakhs and lakhs of rupees in purchase of stamps, over travelling expenses of agents and in procuring legal advices; to the tenants in that they are kept in suspense and hence throwing cold water over their enthusiasm to improve their holdings, as well as prevented from coming to terms with their landlords which they do in majority of cases.

In the next place, I should like to refer to another letter which the Board of Revenue have issued in regard to Oudh, but before I do so I should like to read to the Council section 62 of the Oudh Rent (Amendment) Act, which deals with *pahi-kasht*. It says:—

"A tenant to whom sub-section (2) of section 53 applies shall be liable to ejectment by suit during the currency of his tenancy on any of the following grounds, namely:—

- (a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy; and
- (b) that at the time of the institution of the suit *the whole or any part of the holding* has been sublet or transferred otherwise than by a sub-lease."

Mark the phrase "any part of the holding that has been sublet or transferred otherwise than by a sub-lease." In connection with this circular letter which has drawn the attention of District Magistrates over suits of ejectment of *pahi-kashts*, I put some questions in the Council in March last. I will read them. The first question was "Is it a fact that the Board of Revenue has issued a circular letter to all the district officers that the applications for ejectment of *pahi kasht shikmi* and unrightful tenants should be discouraged, rather stopped, and has also invited their opinions on the matter?" The answer was:—"No circular has been issued by the Board of Revenue regarding the subject mentioned. The Court of Wards issued a circular to the district officers in Oudh laying down the need for caution in the ejectment of *pahi-kasht* tenants, or tenants who had sublet their holdings, and inviting opinions on certain points. It applies only to estates under the management of the Court of Wards." Then, Sir, another question was:—"Has it been expressly mentioned therein to leave the private estates of other zamindars unaffected by the circular letter?" The answer was:—"As I have just said, it applies only to estates under the management of the Court of Wards." Then a number of supplementary questions were put by my late lamented friend Lieut. Shaikh Shahid Husain, but I will read only one question:—

"Does the Court of Wards not trust the discretion of the local officers on the spot?" The answer was:—"The Court of Wards is responsible for the management of all these estates and it is perfectly within its competence to issue instructions if it sees the necessity for so doing." Another question was:—"Did any such necessity arise?" The answer was:—"That I cannot say at present." The district officers in Oudh are managers of Courts of Wards estates, and when their attention has been drawn to that, what they do now is to reject the applications of other, zamindars. It was only very recently that an appeal in a case was filed, and in that appeal too they have upheld the judgment of the lower court and have thus set a bad precedent. By the word "holding" they now interpret that they can eject a tenant from *that part of the holding only* which he has sublet and not from the entire holding. Sir, from the section that I have read it is quite clear that a tenant can be ejected from the entire holding if he sublets . . .

**The Hon'ble Mr. S. P. O'Donnell:** I rise to a point of order, Sir. The honourable member is criticizing the decision of the Board of Revenue on a judicial appeal. He is arguing that the Board of Revenue gave a wrong judicial decision. Is that matter to be discussed here?

**The Hon'ble the President:** The honourable member can bring to the notice of the Council the decision given. He can argue that that decision works as a hardship and that the Act should be amended in order to remove it. He cannot criticize the judgment as having been given wrongly or illegally.

**Lala Mathura Prasad Mehrotra:** I never wanted to criticize the judgment. I simply submit that the meaning of the word "holding" held by the Board of Revenue now is quite different from what is meant by the Act.

**The Hon'ble the President:** That is what the honourable member cannot discuss.

**Lala Mathura Prasad Mehrotra:** All right, Sir, I will leave that point. These are the two circular letters which have done a great harm to the landholders not only of Oudh but also of the Agra Province, and I want to draw attention of the Board of Revenue to them and require a full explanation before I will see whether I have to press it or not.

**Mr. R. Burn:** I rise merely to explain what has been done in regard to one matter which the honourable member has criticized. The questions and answers which he has read out relate only to the management of Court of Wards estate. We called the attention of district officers, who are in charge of such estates, to the danger of oppression to tenants by their subordinates, who might hold out threats based on the two provisions of law which allow *pahi-kasht* tenants and tenants who sublet their holdings to be ejected. Under the ordinary rules in the Court of Wards Manual there are cases in which special managers may themselves institute proceedings for ejectments without sanction of higher authorities. The purpose of the circular in regard to the question of ejectment was simply to say that the Deputy Commissioner must personally look into every case in which it was proposed to eject a *pahi-kasht* tenant or a tenant who has sublet, and it indicated the lines on which he should arrive at a decision whether he should eject or not. That circular has not the slightest connection with any zamindar or taluqdar whose estate is not under the Court of Wards.

**Nawab Muhammad Yusuf:** There is a similar motion in my name and I wish to know whether I should speak on the motion at present before the House or I should move my own motion.

**The Hon'ble the President:** The honourable member can do just as he pleases. If the honourable member wishes to move his motion, he can move it. If he does not, then he can speak on this motion.

**Nawab Muhammad Yusuf:** I desire to move my motion.

I move that the demand of Rs. 1,39,395 in respect of the item regarding Board of Revenue at page 37 of the Detailed Estimates be reduced by Re. 1. I move this reduction with a view to bring to the notice of this House and also of the Government one of the most outstanding grievances of landholders against the Board of Revenue. The Board of Revenue have issued two circular letters with regard to ejectment suits, the effect of which is that landlords are precluded from filing ejectment suits. These circulars have entailed a very great amount of hardship on the landholders and also on the tenants, in that they are in a state of suspense to what their fate is going to be ultimately. The House is aware that the notice of a resolution on this subject was given by my friend Rai Jagdish Prasad Sahib, but as there was no time left to take up that resolution, it stood over. Then my friend moved an adjournment of the House which was ruled out by you. Then we thought that the only opportunity for us would be the present occasion, viz., when the budget of the Board of Revenue came before us. Now, this is the only opportunity when we can take up this matter before it becomes too late. That being the condition, I beg to bring to the notice of the House how this circular was issued and how later on the Board thought fit to inflict such opinion on the High Court. The Board also made a suggestion to the High Court that similar steps may be taken by them, but the honourable the High Court, fully realizing its responsibility and dignity, refused to be a party to this. Thus the Board met with this rebuff from the High Court, and in spite of that they did not think it fit to reconsider their opinion, but thought that they were fully justified in exercising this executive power in connection with a judicial matter which I think was entirely beyond their jurisdiction. Sir, I am aware of the argument that in some districts ejectments have been made on a large scale. I am not oblivious of that fact, but those are very few indeed. There are many districts where very few ejectments have been made. I know many instances where the landlords have not ejected their tenants at all. If the House would go into the question and look into statistics, they will find that there have been cases where landlords have not ejected their tenants at all and have always tried their level best to give every consideration to their tenants. The fear of the Members of the Board that landlords will carry on ejectments wholesale is absolutely unfounded. They are not likely to do anything of the kind. That would be entirely against their interest. If they are to take to cultivation, if they are to consolidate their holdings, if they are to work their own salvation, they can ill-afford to ill-treat their tenants. But I am bound to emphasize that they are entirely within their rights to eject tenants if they want to consolidate their holdings, if they want to keep a certain percentage of land, say 20 or 25 per cent. for their own purpose in the future. They cannot shut their eyes to the future. They fully realize the fact that unless they take to cultivation on modern lines, they cannot solve the economic problems. They can hardly make both ends meet; it is very difficult



for them to maintain their position and as such they regard it as a very serious question indeed. I must say again that we do recognize that landlords in instituting suits for ejectment must bear in mind that they do not go out of their way to do it in very large numbers and in such a way that it may inflict great hardship on the tenant. But this necessarily leads me to the point whether after all the landlords are justified in exercising their primary and elementary right of ejectment or not. If they are, is it right for the executive to interfere and take away this right which has been conferred upon them by legislation as one of the most important sections of His Majesty's subjects? If we are not entitled to exercise our powers, rights and privileges under the law of the land, I should like to know how we can exercise them. I regard it the primary duty of the Government to uphold law, protect our rights and privileges which have been conferred upon us by law, statutes and legislation in the Council. Let us not confuse the issue. The issue before us is, not whether the landlords should go on instituting suits on an unprecedented scale in different districts or not. The clear issue before us is this: is the Board justified in exercising its executive power and taking away the elementary rights conferred on us as subjects of His Majesty's Government by law? Can the Government possibly justify its action by restricting a certain power, a certain right, which has been conferred on us by law? That is the clear-cut issue before us, and let us not be side-tracked from that. I know that some gentlemen who are playing the rôle of protagonists on behalf of the tenants may come forward and say that that is not so. They try to confuse the issue and say that we landlords have come forward to make a grievance which cannot be regarded at all in the interests of the tenants. I hope they will clear their minds of any such consideration and will bear in mind the one fact only that we are taking our stand on the fundamental principle that no executive authority has power to take away the right which has been conferred on us by the law of the land. That is the one clear and unmistakable issue before the House. The issue is not whether the landlords should proceed with their ejectment suits. I am sure that if this circular is withdrawn, the number of ejectment suits is not likely to swell. There may be a few more ejectment suits instituted, but I am sure that the landlords will not be so inconsiderate as to carry on wholesale ejectments. So the Board need not be frightened on that score. I am sure the members of the Board have realized by now that they have committed a blunder, a great blunder indeed. I hope they will feel that they ought to retrace their steps and withdraw the circular. There is no question of prestige involved here; they should have no such false notion of prestige. If they find that they have committed a mistake, then they must frankly admit that and should be prepared to redress a grievance which is very much felt by us all. I hope the Hon'ble the Finance Member will reconsider his opinion about it. A question was recently put by Dr. Shafa'at Ahmad Khan to which the Hon'ble the Finance Member replied. I think I should only read the reply given by the Hon'ble the Finance Member. That was about the suggestion made to the High Court and as to the steps the Board was going to take and after the refusal of the High Court to interfere in the matter. This is the reply which the Hon'ble the Finance Member gave:—

“ Government informed the High Court of the instructions issued by the Board of Revenue and suggested that if the High Court were of the same view similar instructions might be issued to the subordinate Civil Courts. The High Court, however, was not prepared to do so.”

[Nawab Muhammad Yusuf.]

Then I put a supplementary question and that was to this effect :

"In view of the opinion of the High Court, is the Government prepared to withdraw the instructions issued?"

The Hon'ble the Finance Member said:—

"The answer is in the negative."

I am bound to say, Sir, that it came as a very unpleasant surprise to me. I should have thought that in view of the opinion of the High Court—the highest judicial body in the province—the Government would re-consider the whole question and alter their opinion. I hope I shall not be disappointed now. I am sure the Hon'ble the Finance Member will give it serious consideration and leave this matter to be decided by us by not calling upon the officials to come forward and vote on this question. And the clear decision of the Council on this question will be given effect to. With these words I move my motion.

**Rai Sahib Lala Jagdish Prasad:** My friend Nawab Muhammad Yusuf has raised a very important question. The instructions of the Board of Revenue are that "Wherever the area from which ejectment is sought is one-third or more of the total area held by non-occupancy tenant-in-chief in the mahal, the Collector should treat that mahal as one in which wholesale ejectments are being attempted," and "in mahals in which the Collector has found that wholesale ejectments have been attempted the cases should be simply postponed and no further action taken."

Now, Sir, the question is, on what law these instructions are based. When I came to know of these instructions I referred to the Tenancy Act but found no section under which such instructions could be issued by the Board of Revenue. It is believed and it is probably said that these instructions have been issued as a matter of administrative convenience, but, Sir, as my friend the Nawab Sahib just remarked, the question is whether a living section of a living law can be suspended by the executive? Whether the executive can suspend the operations of the Legislature? If so, then I may say that those persons who say that the Legislative Councils are no more than dignified debating societies are not far wrong. I maintain that as long as a law continues in force and is not superseded by a new enactment all persons affected thereby have a right to be benefited by the sections of that law.

Now, the circular of the Board of Revenue applies to all classes of cases. For example, it applies to the holdings held from year to year; it applies to the holdings that are held by the tenants on seven years or long term leases: it applies to all sorts of cases. But my submission is that if the Board of Revenue think that the large increase of cases was due to the anticipations of the zamindars regarding the new tenancy law it could be assumed in regard to those holdings only which are held by tenants from year to year. Because, Sir, in the case of those holdings which are held by the tenants under seven years or long-term leases the zamindars were bound to file ejectment suits at or about the expiry of the term of leases, whether the legislation was proposed or not.

Voice of "why"?

Because the zamindars gave those holdings for seven years or a longer term and after the expiry of such leases if they want some increment they are not wrong or unjustified when they have already allowed the tenants to have the benefit of a certain fixed rent for a number of years. Then, Sir,

I have come to know of cases in which the tenants did not appear and so were *ex parte*, but even these cases were postponed by the courts. Then, there are cases in which the tenants are prepared to compromise and relinquish the holdings, but such cases too are postponed. I therefore think that these instructions are an anomaly. It is said that in certain districts there was a large increase in the number of ejectment suits. But, those districts are specifically named by the Board of Revenue. Why should all other districts have shared the same fate? Then, Sir, there may be some zamindars who may be prepared to withdraw a number of suits so as to bring down the number of suits in a certain mahal to one-third or less, but even in such cases the suits cannot be disposed of because these instructions are wholesale. These facts are about the instructions themselves. Now, Sir, the Government replied that in case the Council decided to cancel all these suits the stamps might be returned, but what about the other expenses which the zamindars have incurred on ejectments and what about the botheration they have undergone? If such instructions were at all to be issued they could very well have been issued before the time for the period of ejectment actually began. Now, Sir, the proposed tenancy legislation is not going to be introduced in the Council for some time to come and the new agricultural year is about to begin, which will necessitate filing new ejectment suits. How will these new cases be treated? These are the points which should be considered by the Board of Revenue. But, apart from these points the crux of the question is whether the Board of Revenue was justified in issuing such instructions over-riding the operations of the Legislature? This is a question of principle and I think the Council will stultify itself if it does not give its verdict clearly that it is not going to uphold a measure which involves the prestige of the House. I hope Government will be pleased to consider this important matter and have these instructions withdrawn.

**Mr. Masud-uz-Zaman :** While I heartily associate myself with every word of what has fallen from the lips of my honourable friend Nawab Muhammad Yusuf in this connection, I also wish to point out to the Government that, apart from the ordinary cases, this order applies also to cases under sections 57 and 58 of the Agra Tenancy Act. This means that practically the Board by this order is encouraging those undesirable tenants who want to spoil their land just to displease the zamindars and injure the interests of the zamindar, and in fact there is every likelihood that those tenants who are deliberately trying to spoil the land or render the position of the zamindar undesirable so far as their tenancy is concerned, have now every opportunity to do so and I think the Board ought have at least exempted such cases which on the face of the order are very undesirable to be encouraged. I submit, Sir, that if the Tenancy Bill as it is anticipated may be passed, is it the intention of the Government that such undesirable tenants should ever be encouraged, that is, those tenants who want to spoil their land and do such acts on the land as to render the land entirely unsuitable for agricultural purposes? I am sure that no Legislature nor any Government can ever anticipate that such powers will be given to any party whether zamindar or tenant. Under these circumstances I submit that while it is very necessary that this order be withdrawn it is also necessary that until it is withdrawn at least the exception should be distinctly made for cases under sections 57 and 58 of the Agra Tenancy Act, just to enable them to eject these undesirable tenants. Suppose the case remains suspended for a year or so. What would be the

[Mr. Masud-uz-Zaman ]

result? The result would be that by the time the hearing of the case comes off, the land would have been spoiled. I am sure no court of law can ever, under any circumstances, encourage the spoiling of his land by a tenant. Even if the tenant is ejected of what good it would be to the zamindar at all when the land has already been spoiled during the time, a year or so, the case has remained pending? For this reason, Sir, it is of urgent necessity that the Government should take notice of the fact that the cases under this section should at once be exempted.

**Khan Bahadur Maulvi Fasih-ud-din :** It has been the opinion, the decided opinion, of many a politician, that with the advent of the Reforms, with the establishment of a Cabinet containing four highly-paid members of Government, with the creation of a centralized Secretariat, the Board of Revenue will have to go sooner or later. The zamindars of this province however looked upon the Board as a panacea for all their ills, as the final tribunal for the redress of all their grievances. But I am sorry to confess that recently their susceptibilities have been somewhat wounded on account of the attitude of the Board towards the incoming tenancy legislation of the Agra Province and on account of the order which is now being discussed. The order, as has been said, attempts to supersede a living section of a living law, and I am sure that our worst enemies will agree that it is at least *ultra vires*. No fair-minded man can ever think of supporting an order which all of a sudden, like a bolt from the blue, comes upon the heads of the revenue courts and directs them to stifle a certain provision of the law which has been in existence in the Agra Province for the last two and half decades. Section 58 has existed in the Agra Province for at least quarter of a century, and it can certainly exist for at least one year or six months till the passing of the new tenancy legislation. In fact, this question furnishes us with the pivot for claiming provincial autonomy, for denouncing the present system of Dyarchy in unmeasured terms. It is a question which, in my opinion, raises very important constitutional issues, as has been said by the honourable Nawab Muhammad Yusuf. It is a question which strikes at the very root of the constitution. I am sure that this question will receive the most serious consideration of this House. The leader of the Opposition only yesterday had a very significant arrow from his quiver against the two Ministers. It was this, that they were unable to appeal to the Reserved departments not to do certain things which were wrong. We could also use this arrow against them if we had not been convinced that there is such a sharp line of distinction between the Reserved and Transferred departments, that there is such a strong barrier, that they themselves denounced dyarchy in their note to the Muddiman Committee most strongly. If we had not been convinced of these facts we would have certainly used the same arrow with greater appropriateness and with greater effect, as they themselves happened to be the leading zamindars of these provinces. I again submit it is a very important constitutional issue. I had attracted the attention of the Government to this fact at the time when a representation was being made on behalf of that committee to the Government. I pointed it out to that committee that it was beyond its scope to make such a suggestion to the Executive Government. The committee was only meant for making the draft tenancy legislation and not for giving gratuitous advice to the Government.

**Mr. S. H. Fremantle:** On a point of order, Sir. May I say that the committee made no such suggestion to the Government. They simply brought certain facts to the notice of Government.

**Khan Bahadur Maulvi Fasih-ud-din:** I am subject to correction. But even then I submit that the committee had no right to bring to the notice of the Government anything which was beyond its scope. However, I submit that this question is only part of the struggle for supremacy between the Executive and the Legislature. My friend Mr. Govind Ballabh Pant only yesterday gave us some advice as regards our programme in this Council. He said that we must look ..

**The Hon'ble the President:** I would ask the honourable member to confine himself to the debate now before the Council.

**Khan Bahadur Maulvi Fasih-ud-din:** Thank you, Sir. I submit, as has been advised by the honourable leader of the Opposition, we must look at the question from the point of view of broad principles and not from the point of view of politics. I am sure that we will have a test of the nerve, vigour, and homogeneity of the Swarajist Party today in this particular matter, irrespective of their personal inclinations.

**The Hon'ble Mr. S. P. O'Donnell:** We had a question on this subject in December last. I endeavoured then to make it clear, and I wish again to emphasize, that we have no desire whatsoever to interfere with the normal exercise by the zamindars of their powers of ejectment. If the total number of ejectment suits had been anything like the normal figure we should have taken no action whatever. But we were faced at the end of September last with an immense increase in the number of ejectment suits instituted. The number had risen from 115,000 to the huge total of 272,000. It has been suggested—not in this debate, but I have seen it suggested elsewhere—that if we had not published till October the report of the committee this increase would not have taken place. It is of course impossible to disprove a suggestion of that kind. My own belief, however, is that it has no foundation. It was well-known throughout the province that a committee had been appointed and the committee themselves had issued a *communiqué* which indicated pretty clearly on what lines they were likely to report. But, however that may be, we were faced at the end of September last with the fact of this enormous increase in the number of ejectment suits. The increase was very unevenly distributed. Practically speaking, it was confined to nine districts. The vast majority of landlords showed a true appreciation of their own interests, the interests of the tenants and those of the State. I wish to emphasize the fact that such landlords are not in the least affected by these orders. These orders apply only to those *mahals* in which wholesale ejectments have been attempted.

**Mr. Masud-uz-Zaman:** What about the inclusion of these cases under section 57?

**The Hon'ble Mr. S. P. O'Donnell:** The order does not refer to that section at all. It refers to 58 (a) and (b). It only applies to those mahals in which wholesale ejectments have been attempted.

**Khan Bahadur Maulvi Fasih-ud-din:** May I know what these districts are in which they were attempted?

**The Hon'ble Mr. S. P. O'Donnell :** I will give the honourable member the names of those districts. They are Meerut, Bulandshahr, Aligarh, Farrukhabad, Allahabad, Benares, Gorakhpur, Basti, and Azamgarh.

As I have said, the overwhelming majority of landlords are not in the least affected, because these orders apply only to those mahals in which wholesale ejectments were attempted. We had of course in issuing these orders to give some indication to District Officers of what we meant by the term "wholesale ejectments." Here is what we said :—"A useful, but not the sole, criterion in arriving at a conclusion on this question is the proportion borne by the total area from which ejectment is sought in the mahal to the area held by non-occupancy tenants-in-chief in the mahal. Where the area from which ejectment is sought is one-third or more of the total area held by non-occupancy tenants-in-chief in the mahal, the Collector should, as a rule, treat that mahal as one in which wholesale ejectments are being attempted." It will be observed that there is no absolute test laid down. We merely gave a rough indication of what was meant by the term "wholesale ejectments". Even in the nine districts in which these ejectment suits have been filed, I believe only a minority of landlords are affected. But the fact remains, that in these nine districts there was a vast increase in ejectment suits and it did seem to us that if these ejectments were allowed to proceed the resulting disturbance and dislocation would be very prejudicial to the public tranquillity and that is the reason why we issued these instructions. We were not in adopting this course without a precedent, because the same action was taken in the case of the Oudh Amendment Act and with the approval of the taluqdars of Oudh and of the Council. The orders of course are only provisional. The final fate of these suits cannot be decided by executive orders. That is a matter which can be settled only by legislation. As a matter of fact we could not have provided the staff for the trial of these suits during the present year. In one district the suits rose from 14,000 to 62,000 and the Council will realize that we have not the staff sufficient for the trial of 62,000 suits. It seemed however to us to be fairer that all these cases should be dealt with on uniform lines rather than that suits should be tried in one district and not tried in another. We intend to submit to the Council, in connection with the Agra Tenancy Act, our proposals on this subject. It will then be for the Council to say how these suits should be dealt with.

**Pandit Nanak Chand :** When ?

**The Hon'ble Mr. S. P. O'Donnell :** As soon as we are in a position to present the Bill.

I explained to the Council the other day that the Agra Tenancy Bill was the subject of correspondence between the Government of India and this Government and it was impossible for me at present to say when the Bill would be introduced.

**Dr. Shafa'at Ahmad Khan :** Is it not possible for the Government to give a time ?

**The Hon'ble Mr. S. P. O'Donnell :** We intend to deal with this question in connection with the legislation which we shall introduce on the whole subject of the Agra Tenancy Act.

**Pandit Nanak Chand :** But then no time is given.

**The Hon'ble Mr. S. P. O'Donnell :** I cannot say on what date that Bill will be introduced. I can only say that it will be introduced at as early a

date as practicable. When it is introduced, it will be for the Council to say how these suits should be dealt with. When that time comes I shall be somewhat surprised if the Council does decide that 62,000 tenants in a single district should be turned out. But in any case, as I have said, that is a matter which can be settled only by legislation and the Council will have an opportunity later for dealing with the matter when our Bill is presented. The orders are only provisional. These suits are being held up until a Bill is placed before the Council.

**Dr. Shafa'at Ahmad Khan :** Does the Government think it desirable that the High Court should be interfered with by the Executive in a matter like this ?

**The Hon'ble Mr. S. P. O'Donnell :** No. The High Court was not interfered with.

The question was put and the Council divided as below :—

*Ayes (35).*

Raja Muhammad E'jaz Rasul Khan.  
Raja Bahadur Brij Narayan Rai.  
2nd-Lieut. Chaudhri Balwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Thakur Shib Narayan Singh.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Amba Prasad Sahib.  
Lala Dhakan Lal.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Lieut. Raja Durga Narayan Singh.  
Lieut. Raja Bahadur Hukm Tej Pratap Singh.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.

Kunwar Rajendra Singh.  
Rai Bahadur Thakur Mashal Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Saifi.  
Maulvi Obaid ur-Rahman Khan.  
Haziz Hidayat Husain.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Dr. Shafa'at Ahmad Khan.  
Sayyid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Mr. Ashiq Husam Mirza.  
Khan Bahadur Munshi Siddiq Ahmad.  
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.

*Noes (39).*

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. O. Verrières.  
Mr. O. E. D. Peters.  
Mr. J. R. W. Bennet.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. H. David.

Babu Khem Chand.  
Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Babu Nemi Saran.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhyay.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Babu Sita Ram.

Motion negatived.

**Pandit Bhagwat Narayan Bhargava :** I move that the demand of Rs. 9,000 in respect of the item regarding Local Fund Audit Establishment Salaries—Assistant Examiner at page 42 of the Detailed Estimates be reduced by Re. 1.

[Pandit Bhagwat Narayan Bhargava].

My object in moving this motion is simply to get information from the Government about one point. Formerly no fees were charged from the district boards for audit, but we find that for the last two or three years, that is during the *regime* of the non-official boards, fees have been charged, from these boards. I wish to know the reasons for the change of the old practice. Is it not possible for the Government to revert to the old practice? The Government is also aware that this point was raised in the District Boards Conference and I believe all the District Boards in the province were unanimous on this point.

**Mr. E. A. H. Blunt:** I had some difficulty in hearing what the honourable member said, but I understood him to ask why district boards were being charged audit fees or rather why they were *now* being charged audit fees when previous to the Reforms they were not so charged. As a matter of fact previous to that occasion, they were charged fees up to the year 1908 or 1909. The charge then ceased till the year 1921. Audit is a service rendered to the board and it is obviously fair that when a service is rendered to a board it should pay for it. Without going into great detail, it is impossible to give any definite reasons, but it seems to me perfectly obvious that when Government provides the district board with an audit of their accounts, which is done solely for their benefit, they should pay for that service.

Motion negatived.

The Council here adjourned for lunch.

After the adjournment the Deputy President took the Chair.

**Rai Bahadur Thakur Hanuman Singh:** I rise to move that the demand of Rs. 3,408 in respect of the item regarding salary of servants at page 42 of the Detailed Estimates be reduced by Rs. 1,440.

Sir, when we look at the Detailed Estimates we find that there are one Examiner, one Assistant Examiner, and 41 clerks; the total comes to 43. The number of servants is 22, that is, between two members of the staff and the officers the average of servants is one. There is no department which is entered in the Detailed Estimates which has got such a large number of servants, and therefore I move that a reduction of Rs. 1,440 be made. That gives to the department under that head Rs. 1,968 which will give the department 11 servants who, I think, will be quite enough for their purpose.

**Mr. E. A. H. Blunt:** I must admit that these figures are somewhat misleading. The fact is that many of the men entered as clerks are not clerks at all. They are auditors. The distribution of these servants is as follows: Examiner—2, Assistant Examiner—2. There are 35 auditors. Of these, one works in office. We can ignore him. The remaining 34 auditors work in pairs; there are 17 pairs of them and each pair has one servant. There is an office peon. That makes 22 servants as follows:—

For Examiner ..	..	..	..	..	..	2
„ Assistant Examiner ..	..	..	..	..	..	2
„ 17 pairs of auditors ..	..	..	..	..	..	17
„ one auditor in office ..	..	..	..	..	..	1
						—
					Total	22

**Rai Bahadur Thakur Hanuman Singh:** Do those auditors who go to districts require one servant for each pair?



**Mr. E. A. H. Blunt:** Yes. There are two of them and one servant is given to them. They must have one servant with them when they are working in districts.

Motion by leave withdrawn.

**Pandit Nanak Chand:** I move that the demand of Rs. 15,000 in respect of the item regarding leave allowance at page 42 of the Detailed Estimates be reduced by Rs. 10,000.

If the honourable members will kindly turn to page 42 they will find that under the head "leave allowance" under the main head "establishment" the budget estimate for the current year was Rs. 5,000 and for the next year it is proposed to appropriate Rs. 15,000. There is a clear difference of Rs. 10,000 and I propose that a reduction of this amount be accepted under this head.

**Mr. E. A. H. Blunt:** The figure of Rs. 15,000 is based on what we call in the Finance department "requirements;" that is to say, the experience of past year has shown that we need the money. If the honourable member will look to the revised figures of the past year he will find that the figure went up to Rs. 2,68,046. That is entirely due to the fact that more leave allowances had to be paid than was anticipated. So we have based our figure on our past experience. I can assure my honourable friend that if less officers go on leave next year, all the money will not be spent; but the figure which we have put is on the basis of our past experience as to the number of officers who go on leave.

Motion negatived.

**Maulvi Muhammad Obaid-ur-Rahman Khan:** I beg to move that the demand of Rs. 2,45,679 in respect of the item regarding main office establishment—Miscellaneous allotments at page 42 of the Detailed Estimates be reduced by Rs. 10,000.

The honourable members will find that on page 42 under the head. . .

**Mr. E. A. H. Blunt:** I rise to a point of order. The only item under the sub-head "Miscellaneous allotments" is "leave allowance" as to which the Council has just refused a cut of Rs. 10,000.

**The Deputy President:** We have already discussed this item of Rs. 15,000 on the motion of Pandit Nanak Chand. If the honourable member wanted to attack the same item he ought to have taken the opportunity of speaking when Pandit Nanak Chand moved his motion. Now we cannot go back.

**Pandit Nanak Chand:** I move that the demand of Rs. 59,636 in respect of the item regarding contingencies at page 43 of the Detailed Estimates be reduced by Rs. 9,000.

If honourable members will turn to page 43 of the Detailed Estimates, they will find that the revised estimate for 1924-25 under this head is Rs. 50,000, the supplementary estimate Rs. 1,267, and the budget estimate for 1925-26 is Rs. 59,636. I therefore propose a reduction of Rs. 9,000, only, and I hope the Hon'ble the Finance Member will have no objection to accepting it, considering the revised estimate for the current year is Rs. 50,000.

**Maulvi Muhammad Obaid-ur-Rahman Khan:** I rise to associate myself with what has been said by the honourable mover, and would like to

[Maulvi Muhammad Obaid-ur-Rahman Khan.]

add a few remarks of my own. If honourable members will turn to page 43 of the detailed estimates, they will find that under the head "Contingencies" there is a sub-head "non-contract." This head, again, has been divided into several items, in regard to two of which, namely "printing charges" and "purchase of books" I want to say nothing, for under both of them the same amount has been provided for in the next year's budget as was done last year. As regards the item "purchase of tents," I need say nothing, because expenditure on this head has already been incurred, and it is not proposed to repeat it next year. This leaves three other items, with which I shall deal one by one.

Under "petty construction and repairs" a sum of Rs. 6,874 was provided for last year, while this year it is intended to budget a sum of Rs. 10,342. Under telephone charges a sum of Rs. 3,109 was budgeted last year, and this year it is proposed to increase it to Rs. 3,320. Under the item "other" they are also increasing the sum from Rs. 2,273 to Rs. 3,396. I confess I have not been able to understand the reason for increase under any of these items, although I have carefully gone through the memorandum, and I shall accordingly feel obliged if the Hon'ble the Financial Secretary will enlighten me on the whole subject.

**Mr E. A. H. Blunt:** The last speaker stated that he could not understand the reason for increase under any of the items referred to by him. In reply, I have only to say that this has been fully explained in the memorandum at page 42. The first increase is of Rs. 4,000 under contract contingencies, which is due to the transfer of *utar* charges from the head 47—Miscellaneous. If honourable members will look at that head, they will find that there is a corresponding decrease. These *utar* charges, which are in the nature of tour charges, have now been included in the budget of the officers that use them. So far we have not been able to get the actual figures under this head, and consequently we provided a lump sum in the budget under the head "47—Miscellaneous." We have now got the actual figures, and we have therefore transferred them to the various departments that are affected by them. There is an additional charge under district administration and under police also, but the Council will see that there has been no additional expenditure at all. As regards the increase of Rs. 3,000 under "petty constructions and repairs," this has also been explained in the memorandum. This is a transfer from the Public Works budget on account of minor works. Honourable members doubtless know that there has been a re-organization of the Public Works department, as a result of which a number of minor works have been transferred to the departments concerned. The increase under "telephone charges" is due to a single extra telephone. The increase under "other" is due to the purchase of new typewriters. Surely the honourable member knows that typewriters occasionally wear out and when they do, it is necessary to replace them.

Motion negatived.

**Pandit Govind Ballabh Pant:** I move. "That the demand of Rs 3,48,955 in respect of the item regarding Commissioners at page 43 of the Detailed Estimates be reduced by Rs. 2,00,000."

I will not go into the history of this question. It is old enough. The position is very simple. Almost all the authorities, expert bodies, and Royal Commissions in recent years have condemned this institution of Commissioners. Even this Council has condemned it again and again. The

latest stage was when a committee was appointed by this Council to inquire into this question and there all the members, except one, agreed that the Commissioners were not necessary. Ultimately they arrived at a compromise—the committee being presided over by the Senior Member of the Board of Revenue—that the number of Commissioners should be halved.

This happened about four years ago, the committee having been appointed in May, 1922. After that the Local Government having considered the question made its recommendations to the Government of India, the nature of which they could not probably constitutionally disclose. But, whatever it might have said at that time, the fact is there that the Commissioners continue. They do the work according to their notions and according to their views. Now, after these three or four years since this Council made a definite and considered opinion on this subject and expressed it, no action of a tangible character has been taken. The last time I think a question came before this Council, was when a question on the subject was put to the Government and the Hon'ble the Finance Member said that he did not consider it necessary to send any reminder to the Government of India on the subject. I think that when there is a unanimous opinion that certain posts are not necessary and when that decision was arrived at years ago and no action is taken by the higher authorities according to the wishes of this Council, or it may be even according to the wishes of the non-official members of this Council, then it is time for us to bring pressure upon them in such a manner that they may be compelled to carry out the wishes of the Government and the people of these provinces. The recommendation was there that the number should be reduced by half. Since then the Lee Commission came in and within a few months has added about nine or ten lakhs to the financial burden which these provinces have to bear on account of the salary of the superior services. This is much more the reason why all possible economies should be made. If you will look at page 43 you will find that the total allotment for Commissioners comes to Rs. 7,71,955. My cut of two lakhs, if accepted, would reduce the total amount to Rs. 5,71,955 and if you work it further you should be able to find out that it will be possible for the Government to retain the present strength of the Commissioners for five months and then the number may be halved for the rest of the year. What I suggest to the Government is that whether it has moved in the matter or not, the Government should force the Government of India and if the Government does not do so, we should force the Government of India, to carry out the wishes of this Council by not voting the supplies against motions which have been accepted by this Council and even by the Government of this province. That is the only way in which we can carry out our wishes, the executive being irremovable. The matters relating to the Reserved departments come under our purview in any effective manner only when demands are brought before us. It is on these grounds that this cut of two lakhs should be made.

**The Hon'ble Mr. S. P. O'Donnell:** The Council knows exactly how this matter stands. There was a committee on this subject in 1922. We considered the report of that committee and we addressed the Government of India in 1923. There was therefore no undue delay on our part. Nor does it seem to me, as I have recently said, that there has been undue delay on the part of the higher authorities. This is a matter which affects not one province but all other provinces in India excepting Madras. No doubt the circumstances in different provinces vary in certain respects, but this

[The Hon'ble Mr. S. P. O'Donnell.]

question is one which will be determined on general considerations rather than on local considerations, as it was determined fifteen years ago when it was considered by the Decentralization Commission. It is therefore inevitable that the higher authorities should take time before announcing their decision. Of course I do not know what procedure has been followed in the matter, but I presume that all provinces have been consulted and indeed I think there have been similar proposals put forward in other provinces, so that it is practically certain that the views of other provinces must have been obtained. Accordingly it is useless to expect that the question can be decided in a hurry. In the meantime the Commissioners are there; they will remain there unless and until the Secretary of State directs otherwise; and it is quite obvious that they cannot be left without an establishment. If the honourable member merely wished to place on record his views on the subject of Commissioners, I think that a motion for a nominal cut would have better served his purpose. I cannot see that a motion for the reduction of two lakhs will serve any purpose, since it is obvious that the Commissioners cannot be left without establishment.

**Pandit Nanak Chand :** Sir, in the case of every important reform .

**The Deputy President :** I take it that the honourable member is speaking on the motion at present before the House and that he does not want to move his own motion.

**Pandit Nanak Chand :** No, Sir, I shall not move my motion.

On every question of important reform that is brought in this Council by the non-official members the usual reply which is given, is that the matter is of a nature which requires views of other provinces also to be taken into consideration by the Government of India. It was stated once in connection with the separation of judicial and executive functions and exactly the same reply has now been given in connection with the issue raised here. The Council brought this question to the notice of the Government and Government, as has already been pointed out by Pandit Govind Ballabh Pant, appointed a committee and the committee unanimously accepted the recommendation that the number of Commissioners should be reduced by half. We do not know what the views of the other Provincial Governments are in respect of this question. We know that in Madras they have no Commissioners, yet the Government and the administration has not been any the worse for their absence in that province. We do not know if all the provinces have even taken up this question and, if they have, to what conclusion they have arrived. After having appointed a committee, after the committee having come to a unanimous decision, the Government wants us to wait for the decision of other provinces which may or may not have come to any decision at all or may not have even considered this question. I think the only way left open under these circumstances to this Council if it wants to assert its will against the Government on issues of such an important nature is to press motions relating to such important issues and thus force the Government either to accept the views of the Council or to be driven to the necessity of certifying the expenditure and thus make it a constitutional issue between the non-officials and the officials. With that view I submit that the non-official members of this House, if they are keen that the unanimous recommendation of the committee which has been accepted by

the Government also should be given effect to at an early date, they should put it on record by voting for this reduction.

**Pandit Yajna Narayan Upadhyā :** I rise to support the motion so ably moved by our leader Pandit Govind Ballabh Pant. I have to say nothing more.

**Mr. Mukandi Lal :** I will move my motion if the previous motion is lost. My motion is for a smaller and rather an economical cut for which I will give figures.

**The Deputy President :** I think it would be better for the honourable member to move his motion. I will put the motions separately.

**Mr. Mukandi Lal :** I move that the demand of Rs. 3,48,955 in respect of the item regarding (a) Commissioners at page 37 of the Detailed Estimates be reduced by Rs. 16,393.

If you will look at page 37 of the Detailed Estimates, you will find that in the budget estimates for 1924-25 the demand was Rs. 3,32,562. This year the budget demand is Rs. 3,48,955. I have simply deducted the amount for 1924-25 from that for 1925-26; that gives an excess of Rs. 16,393. I therefore press that at least this excess of Rs. 16,393 be taken away from the demand.

As to the merits of the case, I do not wish to beat a dead horse and I hope the Government will see the sense of this House. We are for the abolition of Commissioners entirely.

**Mr. E. A. H. Blunt :** I am only concerned with the last motion. There is an increase of about ten thousand under clerks. That is due entirely to increments. The effect of the honourable member's motion will therefore be to deprive these men of the pay to which they are justly entitled. That is the first point. Under travelling allowance there is actually a reduction. The next item is contingencies. There is an increase of about five thousand under that head which I have already explained. It is due partly to the provision for *utar* being transferred to this head—this is not new expenditure at all, it has simply been put here from another place; partly to the transfer of repairs of certain buildings to the department in pursuance of the recommendations of the Public Works department Re-organization Committee, which I believe are generally approved of by this Council. There is a third item of one thousand which is for new typewriters. There is a small addition of about five hundred rupees under temporary establishment which is presumably required. That is the absolute increase in the entire budget. There is not one penny of that which can be possibly spared. Most of it consists of increments to clerks: I suppose there is no member in this Council who desires to deprive a hard-working clerk of his due simply because last year he drew less than this.

**Rai Sahib Lala Jagdish Prasad :** I want to move my motion as an amendment to the motion of Pandit Govind Ballabh Pant because this Council has decided more than once that the Commissioners should be reduced, but if the suggested cut of two lakhs is carried, the result will be, as was pointed out in last year's debate that the reduction will affect clerks and other staff of the Commissioners, as the salary of Commissioners is non-votable. So in order to express our protest against the delay on the part of the Government:—

**The Deputy President :** The question of moving an amendment depends upon the leave of the House because no notice has been given of the motion as an amendment, but it is open to the honourable member to move his own motion.

**Rai Sahib Lala Jagdish Prasad :** All right, Sir. I wish that instead of moving a larger cut the Council may express its protest by moving a nominal cut as has been suggested by the Hon'ble the Finance Member. And so I propose that a cut of Rs 100 may be made under this head.

**The Hon'ble Mr S. P. O'Donnell :** May I just say a word with reference to what Pandit Nanak Chand said. He said that we wanted this province to await the decisions of other provinces. That was not in the least what I said. What I said was that this was a question which affected a number of other provinces, every other province in fact except Madras, and that therefore it was natural and inevitable that the higher authorities with whom the decision rests should consult other provinces and should take time before they announce their decision. Of course I do not know what procedure has been followed in this matter by the Government of India. I merely infer from the fact that we have not received orders yet, from the fact that a number of other provinces are concerned and from the fact that the same question has been raised in other provinces, that the views of other provinces have been asked for and that the Government of India are considering the views of all the various provinces. That is a very different matter from saying that we are awaiting the decisions of other provinces. The matter does not rest with the other provinces, it rests with the Secretary of State. It is absurd too to hold us responsible for any delay that has occurred. We have sent up our proposals to the Government of India and if we had thought that any purpose would be served by sending a reminder we should have sent a reminder. There is not the least reason however to suppose that a reminder would have expedited that decision by a single day.

**Pandit Nanak Chand :** Would not the acceptance of this reduction strengthen the hands of the Government ?

**The Hon'ble Mr S. P. O'Donnell :** I do not think the acceptance of the reduction would have the slightest effect one way or the other. The case will be decided on its merits by the Secretary of State.

**Pandit Govind Ballabh Pant's** motion was negatived.

**Mr. Mukandi Lal's** motion was negatived.

**Rai Sahib Jagdish Prasad's** motion (for a cut of Rs 100) was put and the Council divided as below :—

*Ayes* (88).

Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Rai Amba Prasad Sahib.  
Lal Dhakan Lal.

Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Pandit Bhagwat Narayan Bhargava.  
Lieut. Raja Durga Narayan Singh.  
Rai Bahadur Pandit Balbhadra Prasad Tiwari.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhyaya.  
Babu Dip Narayan Roy.

Ayes (38)—(concl'd).

Bhaya Hanumat Prasad Singh.  
 Pandit Baijnath Misra.  
 Pandit Govind Ballabh Pant.  
 Pandit Hargovind Pant.  
 Mr. Mukand Lal.  
 Babu Ram Chandra Sinha.  
 Rai Bahadur Thakur Mashal Singh.  
 Babu Sita Ram.  
 Kunwar Surendra Pratap Sahi.

Mr. Muhammad Aslam Saifi.  
 Maulvi Muhammad Obaid-ur-Rahman Khan.  
 Khan Bahadur Shaikh Masud-uz-Zaman.  
 Dr. Shafa'at Ahmad Khan.  
 Khan Bahadur Maulvi Fasih-ud-din.  
 Lala Mathura Prasad Mehrotra.  
 Dr. Ganesh Prasad.

Noes (25).

The Hon'ble Mr. S. P. O'Donnell.  
 The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.  
 The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.  
 The Hon'ble Rai Rajeshwar Bali.  
 Mr. G. B. Lambert.  
 Mr. E. A. H. Blunt.  
 Kunwar Jagdish Prasad  
 Mr. G. B. F. Muir.  
 Mr. A. C. Verrières.  
 Mr. C. E. D. Peters.  
 Mr. J. R. W. Bennett.  
 Mr. S. H. Fremantle.

Mr. R. Burn.  
 Mr. B. J. K. Hallowes.  
 Mr. C. M. King.  
 Mr. F. F. R. Channer.  
 Mr. A. D. Ashdown.  
 Colonel A. W. R. Cochrane.  
 Mr. A. H. Mackenzie.  
 Mr. G. Clarke.  
 Mr. H. David.  
 Babu Khem Chand.  
 Chaudhri Jaswant Singh.  
 Rai Bahadur Babu Babu Ram Nath Bhargava.  
 Nawab Muhammad Yusuf.

Motion agreed to.

**Pandit Manak Chand :** I move that the demand of Rs. 20,34,040 in respect of the item regarding deputy collectors on page 44 of the Detailed Estimates be reduced by Rs. 100.

By moving this reduction I want to request the House to accept this motion of reduction on the issue of the separation of judicial and executive functions. The subject has been discussed threadbare any number of times in this House, and I want to strengthen the hands of the Government and particularly of the Hon'ble the Home Member. I do not think it requires any additional arguments on my behalf to make the issue clear to the honourable members of this House.

**The Hon'ble Mr. S. P. O'Donnell :** The Council knows exactly how matters stand as regards the separation of executive and judicial functions. The principle has been accepted so far as the Local Government is concerned, and we await orders on the subject. Under these circumstances I cannot see what purpose can be served by moving this reduction.

**Babu Bhagwati Sahai Bedar :** I wish to bring to the notice of this House another matter, quite apart from the separation of judicial and executive functions. I wish to bring to the notice of the Hon'ble the Finance Member and the Hon'ble the Home Member that deputy collectors generally are made instruments for the propaganda of Aman Sabhas and they have to edit Aman Sabha newspapers. They go on tour, call and preside over Aman Sabha meetings and charge their travelling allowances from the tax-payers. I think it is not in the interests of the country to deal with matters like that, and I hope the Hon'ble the Finance Member and the Hon'ble the Home Member will remedy this state of things.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The existence of these Aman Sabhas is only on paper, because the anti-Government agitation has greatly diminished. There is no need of these Aman Sabhas as long as there is no agitation against the Government.

**Babu Bhagwati Sahai Bedar :** They do exist in Shahjahanpur.

**Chaudhri Badan Singh :** It took place only yesterday at Gorakhpur,

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Those papers mentioned by honourable members are concerned only with sanitation and other matters of local importance.

**Babu Bhagwati Sahai Bedar :** That is not the case, Sir. They clearly deal with political matters.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Not usually now.

**Hafiz Hidayat Husain :** I beg to move that the demand of Rs. 20,34,040 in respect of the item regarding deputy collectors and probationary deputy collectors at page 44 of the Detailed Estimates be reduced by Rs. 10.

Sir, my object in moving this is to draw the attention of the Government to the dissatisfaction that exists among senior deputy collectors, owing to some of them having been passed over in favour of junior deputy collectors who have been given charge of such important sub-divisions like Lalitpur and Mahoba. Cases have occurred in which deputy collectors of the senior grade and even of the selection grade have been passed over in favour of persons who are in the lower grades for charges of such important sub-divisions. I think these sub-divisions should be put even temporarily in charge of senior officers rather than such to whom these charges were lately given. It is only to draw the attention of the Government to this dissatisfaction existing among deputy collectors that I have moved this motion.

**The Hon'ble Mr. S. P. O'Donnell :** I am surprised to hear that there is dissatisfaction among the deputy collectors in the selection grade as regards the holding of sub-divisional charges. The practice is to put in a deputy collector who is in the selection grade if there happens to be one in the division. And if the vacancy happens to be a very short one, the practice is to put in an officer who is on the spot. Most senior deputy collectors are, as a matter of fact, during the hot weather officiating in charge of districts, i.e., on special duty.

**Rai Bahadur Thakur Hanuman Singh :** I have got a similar motion in my name—No. 97. Should I move it separately, or should I speak on this motion ?

**The Deputy President :** You may speak on this.

**Rai Bahadur Thakur Hanuman Singh :** I want to deal with the long-standing grievance of deputy collectors, viz., that their claim to superior posts has been neglected for a very long time. In spite of the recommendations of various Commissions their claims have not received that consideration which they ought to have received at the hands of the Government. In this connection, Sir, I do not desire to give any reasons of my own. But I hope you will permit me to quote a few lines from the minute of Sir Reginald Craddock, retired Lieutenant-Governor. I think what he said in that minute ought to carry weight with the Government as well as with the Council. For 40 years this grievance has been repeatedly brought to the notice of the Government, but to no effect. Once for sake of Indianization to some extent of the Indian Civil Service it was considered proper to have certain statutory civilians, but that was abandoned after a very short time. In 1887 the Commission recommended



that one-sixth of the listed posts should be set apart for the Provincial Civil Service. This recommendation was never given effect to. In this connection Sir Reginald Craddock says in his minute: "It would certainly seem that all Local Governments have not been bearing the matter sufficiently in mind and that opportunities of transfer have been lost, for if with immediate effect the recruitment for the Indian Civil Service had been reduced by one-sixth, then the transfer could have been completed as soon as every Indian Civil Service officer of the year preceding the reduction had been provided with a superior post, and the process would have taken not more than 15 years at most. The reasons for this slowness in effecting the transfer of the full number of listed posts in favour of the Provincial Civil Service were, first, that Local Governments hesitated about entrusting such important charges to the members of the Provincial Civil Service as then constituted." The Provincial Civil Service, especially the executive side of it, is more grieved to find this view of the Government concerning them that they were not considered fit for holding responsible posts. I think it was adding insult to injury. Then further the same high authority has been pleased to remark: "This slowness of transfer has naturally excited criticism in Indian political circles and justifiable disappointment among the members of the various Provincial Civil Services." Then as regards the fitness and capacity of the services he has been pleased to say: "It would be unfair to the Provincial Civil Services and inexpedient in the interests of the country. Not a few authorities who have given evidence before us even consider that the Provincial Services can produce men in no way inferior to the members of the Indian Civil Service. Our proposals therefore in this respect go in the contrary direction to that taken by the Islington Commission." It is very disappointing to find that some of the members who were appointed as deputy collectors were without any competitive examination chosen for appointment in the Indian Civil Service and they were sent for two years' study in England; and now they have returned and are occupying listed posts. Those of the deputy collectors who have served the Government loyally and with as much capacity as can be expected from a Government servant have not been appointed permanently to any such posts. The Government has been more favourable in the consideration of the claims for promotion to listed posts of the members of the Judicial branch in comparison of the members of the Executive branch of the service. At present there are seven superior judicial posts which are being held by the Judicial branch of the Provincial Civil Service, while the deputy collectors, who are large in number as compared with the Judicial Provincial servants, have got only four posts. This is also felt by the Executive branch of the Provincial Civil Service.

Now the Lee Commission has recommended that 20 per cent. of the posts should go to the Provincial Civil Service. I do not know when that recommendation will be given effect to, but as the deputy collectors have been disappointed on previous occasions, they are very nervous at present as to what may be their fate in connection with this recommendation. I hope that to satisfy them the Government will as early as possible take steps to appoint them to a larger number of listed posts as compared with those which they have hitherto been given.

With these few remarks I press the question in this Council and I hope the Government will come forward with a very favourable and definite reply. The deputy collectors cannot be satisfied with a reply which is evasive.

**Khan Bahadur Maulvi Fasih-ud-din :** I think it is no use pointing out again and again the grievances of the members of the Executive Provincial Service. The complaint has become chronic and the two listed posts of the district officer which have been thrown open to the deputy collectors continue to remain unaltered since the last one or two decades, in spite of the recommendations of the various Commissions and Committees to the contrary, in spite of the introduction of the Reforms, and in spite of the recommendations of the Lee Commission. The deputy collectors have proved themselves to be efficient district officers, to be efficient heads of various departments, like the Co-operative, the Industries and the Land Records departments. They have proved themselves to be efficient even in the Finance and in the Local Self-Government departments as Deputy Secretary and Under Secretary. I think that no more proof is wanted of their efficiency. I am bringing forward a resolution on this subject in a few days, and for that reason I do not wish to discuss this matter at length on this occasion. One thing that I wish to point out in connection with this debate is the social stigma which attaches to the Executive Provincial Service. In the real sense of the word it continues to be the paria service. A deputy collector of whatever standing or grade, even if he is getting Rs. 1,200 a month, has to sit in the visitors' shed of the Collector's house for hours and hours sometimes, and it often takes place that his copyists, his ahlmad or clerk happens to go before him or is given audience before the deputy collector. This is a matter which needs to be seriously looked into. I think it affects the dignity of the service much more than the pay and distribution of the important posts. It is the aim of the deputy collector that he should be treated as a gazetted officer and as a gentleman.

**The Hon'ble Mr. S. P. O'Donnell :** I am loath to take up the time of the Council because we are progressing very slowly with the disposal of this demand. I think my honourable friends are really engaged in the process known as forcing an open door. The Lee Commission have recommended that in future 20 per cent. of posts in the Indian Civil Service should be recruited from the Provincial Service. The Secretary of State has announced that he has accepted generally their proposals regarding Indianization. And although of course I cannot tell the Council exactly when the final orders will be issued, I shall be surprised and disappointed if they are not received during the course of the year. In the meantime the deputy collectors are holding, during the hot weather at any rate, a far larger number of district charges than those which are at present reserved for them.

**Pandit Nanak Chand's** motion was put and the Council divided as below :—

*Ayes (34).*

Raja Bahadur Brij Narayan Rai.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Pandit Nanak Chand.  
Rai Amba Prasad Sahib.

Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.  
Lieut. Raja Durga Narayan Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhya.  
Babu Dip Narayan Roy.

*Ayes* (84)—(concl'd.)

Rai Bahadur Thakur Hanuman Singh.  
 Bhaya Hanumat Prasad Singh.  
 Pandit Baijnath Misra.  
 Pandit Govind Ballabh Pant.  
 Pandit Hargovind Pant,  
 Mr. Mukandi Lal.

Babu Ram Chandra Sinha.  
 Babu Sita Ram.  
 Maulvi Zahur-ud-din.  
 Khan Bahadur Shaikh Masud-uz-Zaman.  
 Dr. Shafa'at Ahmad Khan.  
 Khan Bahadur Maulvi Fasih-ud-din.

*Noes* (21).

The Hon'ble Mr. S. P. O'Donnell.  
 The Hon'ble Raja Sir Muhammad Ali  
 Muhammad Khan, Khan Bahadur.  
 The Hon'ble Lieut. Nawab Muhammad  
 Ahmad Sa'id Khan.  
 The Hon'ble Rai Rajeshwar Bali.  
 Mr. G. B. Lambert.  
 Mr. E. A. H. Blunt.  
 Kunwar Jagdish Prasad.  
 Mr. G. B. F. Muir.  
 Mr. A. C. Verrières.  
 Mr. C. E. D. Peters.

Mr. J. R. W. Bennett.  
 Mr. S. H. Fremantle.  
 Mr. R. Burn.  
 Mr. B. J. K. Hallowes.  
 Mr. C. M. King.  
 Mr. F. F. R. Channer.  
 Mr. A. D. Ashdown.  
 Colonel A. W. R. Cochrane.  
 Mr. A. H. Mackenzie.  
 Mr. G. Clarke.  
 Babu Khem Chand.

Motion agreed to.

**Pandit Hargovind Pant:** I beg to move that the demand of Rs. 8,93,866 in respect of the item regarding 22-E—District Administration—(a) General Establishment—honorary magistrates' contingencies, at page 45 of the Detailed Estimates, be reduced by Rs. 1,000.

Sir, I would not have liked to move this motion at this late hour, but as an opportunity to discuss local questions by means of a resolution has been denied to me I have no other remedy but to avail of this opportunity. There is no denying the fact that there is general dissatisfaction with the method of recruitment of honorary magistrates and with the quality of the work that most of them put in; also over the fact that these appointments are sometimes made by the Government by way of consolation prizes to those gentlemen who happen to have been disappointed at municipal and district board elections. Only yesterday the Hon'ble the Home Member was pleased to say that he was not aware of such cases. There have been a number of such cases, and I will only quote two of them. One was at Ranikhet at the last district board election in which a worthy gentleman stood for eleven pattis containing about 6,000 voters, but only eleven persons voted for him. A few weeks after his defeat we found that he had been appointed honorary magistrate for those very eleven pattis which had demonstrated their non-confidence in him in such a striking manner.

Then we have another instance of another honorary magistrate who was honorary magistrate in the district of Naini Tal. He was not satisfied with that as a nephew of his had sustained defeat at the last district board election in the Almora district and subsequently he applied to be appointed an honorary magistrate in the Almora district also, and he has been appointed. But my object in moving this cut is particularly to invite the attention of the Government and also of this House to the undesirable state of affairs as to the honorary magistracy in one particular ilaqa in the district of Almora; I mean the ilaqa of Askot, the whole of which forms the zamindari of the Rajbar of Askot. There is a sharp difference between the landlord of that place, i.e., the Rajbar and his tenants. With the reason of this difference I do not propose to deal at present. On the 11th September, 1924, I asked the following questions with regard to the magistracy of Askot:—

"Is the Government aware that the present Rajbar of Askot or one of

[Pandit Hargovind Pant.]

tenants, one of his sons has invariably been holding a post of a patwari in patti Askot and another of his cousins holding the post of the sub-divisional magistrate over the same ilaqa for a long time ?

"Will the Government, in view of the above, consider the advisability of transferring the Rajbar patwari from the Askot patti and also of taking away the jurisdiction of the honorary magistrate from over the tenants of Rajbar ?"

The answer of the Government to the first question was in the affirmative and to the second in the negative. The Government admitted that from the patwari up to the sub-divisional magistrate all belonged to this particular zamindar's family and the poor tenants cannot therefore expect to get impartial justice at the hand of the honorary magistrate. It is believed that the Hon'ble the Home Member was pleased to say that the remedy in such cases was by way of an application either to the District Magistrate or to the High Court for a transfer of the case. I may point out that in this particular case if a man wanted to move the District Magistrate he would have to walk 80 miles, and as to applying to the High Court the difficulty is quite apparent. In this connection I may also point out that even where such steps are taken it is difficult to get redress. I gave a recent instance. The honorary magistrate to whom I have referred as being a magistrate in two districts was not on good terms with a man. When a case relating to this man was filed in the court of this honorary magistrate, that man immediately applied to the district magistrate to have his case transferred. I know it from a reliable source that when this application was presented the District Magistrate promised to have the case transferred. Later on, however, the District Magistrate happened to go on tour to that very place and the honorary magistrate in question came out with a large procession like a marriage party with drums and trumpets, etc., to receive the District Magistrate and he also feasted him. The next day the poor man's application was refused. This may be only an accident, but it is a rather curious accident. I would therefore ask the Hon'ble the Home Member that before these honorary magistrates are appointed he should obtain the opinion of the locality concerned, particularly he may kindly make inquiries in the case of Askot as to how the appointment affects the tenants of the ilaqa.

**Pandit Govind Ballabh Pant:** I want to make a present to the Hon'ble the Home Member and also to the Education department of a person who has recently been appointed an honorary magistrate. He has just begun to learn his alphabet.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** Very recently strict orders have been issued with regard to the use of discretionary power that has been given to the district authorities in the matter of appointment to the post of honorary magistrates. I have taken particular care in finding out whether the person recommended for honorary magistracy is literate or not, and in many cases I may confidently inform the Council I have had no hesitation in rejecting the recommendations of the district authorities on this score. I may assure honourable members that they will have no grievance of the sort in future.

Motion by leave withdrawn.

**Hafiz Hidayat Husain:** I beg to move that the demand of Rs. 39,000 in respect of the items regarding improvement of the court compounds at

If honourable members will turn to page 45 of the Detailed Estimates they will find that in the budget of 1924-25 a sum of Rs. 26,000 was provided. In the budget for 1925-26, however, it is intended to raise it to Rs. 39,000. I should like to know the reason for this increase. In the next place I should like to inquire whether any charge is levied for the use of the court compounds by petitioner-writers, pleaders and their clerks. The second point is that an important place like Cawnpore has no shed in the court compound to seat petitioner-writers, pleaders and their clerks, with the result that when there is rain all these persons and their clients resort to the verandahs of the court buildings, with the result that they cause obstruction and are a source of great inconvenience to people. I should like to find out from the Government what steps they propose to take with a view to remedy this state of affairs in courts. Again, what means have the Government adopted in order to eradicate the evil of toutism that is posterred more particularly in court compounds?

**Mr. E. A. H. Blunt :** As regards the figures my explanation is precisely the same that I gave a few days ago in connection with the civil court compounds. The amount that is put in the budget in any one year is the amount that was paid in fees in the year previous to it—licence fees which are levied on persons who use the compounds. The figure of course varies with the amount of licence fees paid, and this is the reason why it is larger this year than usual. Last year also the Council made a cut in this item, and that sum has always been provided. Strictly speaking, this money does not belong to the Government at all. It is paid by the people who use court compounds; it is paid to the Government in the shape of licence fees; and it is devoted solely and entirely to the improvement of court compounds. I am afraid I cannot give an explanation on other points. I cannot tell him exactly who pays these licence fees. It is rather outside my province, but I imagine that people who use court compounds in any way for the sake of trade and business pay licence fees. As regards pleaders' sheds, Rai Bahadur Babu Vikramajit Singh raised the same point some years ago, but I do not see how that matter is related to the improvement of court compounds.

Motion by leave withdrawn.

**Pandit Nanak Chand :** If honourable members will kindly turn to page 45 of the Detailed Estimates they will find that under head Total contingencies the accounts for the year 1923-24 stand at Rs. 7,80,000 and odd and the budget estimate for the current year is Rs. 8,29,000 and odd. The budget estimate for the next year is proposed to be Rs. 8,93,000 and odd, that is, it is higher by Rs. 1,13,000 as against the actuals of 1923-24 and by Rs. 64,000 as against the estimates for the current year. I note here, Sir, that the revised figure for the current year is Rs. 8,48,000 and the money taken by the Government under the supplementary estimates comes to Rs. 20,238, which is composed of three items—Rs. 12,387 for purchase of tents, Rs. 10,167 for purchase of books and Rs. 7,684 for petty construction and repairs. I find that the normal provision for almost all these heads has already been made under the head Budget estimate for the year 1925-26. If there was an exceptional case during the current year it has been met by the grant of supplementary estimates. Under these circumstances the reduction that I propose will not mean any serious hardship. I think under this head a cut of Rs. 45,000 might be safely made.

**Mr. E. A. H. Blunt:** The reason for this increase in the next year's budget is fully described on page 42 of the memorandum. There are a certain number of minor variations from last year, but there are only two big items. Firstly, a provision of Rs. 36,000 for coolie *utar* in Kumaun has been transferred from 47—Miscellaneous. This is not new expenditure at all. Secondly, the item of Rs. 18,000, which has also been transferred from the Public Works department budget, is an addition for petty construction and repairs, because more buildings have been transferred to civil departments. The whole increase from start to finish is unreal. If the honourable member does not wish to make provision for coolie *utar* and repairs to buildings, then the cut may be made.

**Pandit Nanak Chand:** In view of the explanation given by the Financial Secretary, I withdraw my motion.  
Motion by leave withdrawn.

**Thakur Manjit Singh Rathor:** I move that the demand of Rs. 70,84,604 in respect . . .

**The Deputy President:** The whole demand of Rs. 70,84,604 is not votable; the votable demand is Rs. 58,07,004. The honourable member should therefore change the figure.

**Thakur Manjit Singh Rathor:** I move that the demand of Rs. 58,07,004 in respect of the item regarding Total, General Administration at page 45 of the Detailed Estimates be reduced by Rs. 100.

My object in bringing this motion forward is to draw the attention of the Council to a very sad state of affairs that has been going on for some time in Muzaffarnagar and which the Members of the Government have unfortunately not taken any pains to redress. There are innumerable grievances of the people of this province, out of which many have been pointed out today and during the course of the general discussion on the budget, but in my opinion the Muzaffarnagar muddle is one of the very prominent grievances that form part of the long catalogue of grievances we have against the present administration. Unfortunately we have in these provinces a number of members of the Indian Civil Service who, since they form part of the administration, do not realize that members of the services are after all people who should look to the interest of the people from the point of view of being real servants of the people and not from that of masters of the people. After all, Sir, it is the interest of the public and it is the well-being of the population which ought to be the sole care of the administration if the administration desires to be popular. Much of their popularity has been lost. If the Government do not find any very rowdy demonstrations in many parts of the country, they need not suppose that the Government is today any more popular than it was some time ago. This affair of Muzaffarnagar is very unfortunate, the more so because the gentlemen who are involved in this affair are people of high position and high respectability. I would briefly describe that incident.

On the 6th October last year a Ramlila procession was to pass through that city and the District Magistrate, Mr. G. K. Darling, I.C.S., who, I think, behaved as a nawab or almost as an autocrat, passed orders that the procession should be stopped. I may point out that there was a local pact amongst the Hindus and Musalmans of that district to the effect that Hindus and Musalmans after having consulted the wishes of each other had decided that the procession should pass, provided there was

low music, provided the music was not pitched at a very high tune. In face of this local pact and considering that about a fortnight before in Delhi in the Unity Conference leaders of all parties had come together and decided that some facilities should be given to the Hindus in respect of performance of *arti* and Ramlila processions by the consent of their Muhammadan brethren, the local autocrat of that place, Mr. Darling, behaved in a most high-handed manner and issued orders for stopping the *arti* and the procession. There we have got a member of the Council of State, the Hon'ble Lala Sukhbir Singh, a member of this House, my friend Rai Sahib Lala Jagdish Prasad, a number of honorary magistrates, the chairman of the municipal board of that place and a number of title-holders. None of them, I can assure you, is a firebrand or can be suspected of being even an ardent nationalist or of being a swarajist. All of them advised the Collector to withdraw his orders. Not only did they advise him orally, but they wrote several letters. I have a copy before me of a letter sent by Mr. Sumat Prasad, the chairman of the municipal board, in which he said that there was absolutely no reason to fear that a breach of the peace was likely. In a similar letter sent by the Hon'ble Lala Sukhbir Singh on the 7th October, he pointed out that there was not to be any breach of the peace and that if there were any chances of breach of the peace, those chances had been obviated and absolutely removed by the fact that the Hindus had decided not to have the procession. What does this Mr. Darling do? He comes one fine morning with a number of policemen about him riding on a horse as if there was going to be a fight with a swarajist army at Allahabad, as was pointed out by Sir Charles Innes in the Assembly. He comes there and without a written application from the Superintendent of Police as required by the Police Act he gets hold of about 15 men, almost all of them gentlemen of high respectability except two or three persons who were butchers, I think, and whom he took care to take along with these gentlemen. I do not think these two or three men were men of very high respectability. All of them were paraded before the tahsil. He wanted these men to stand there and perform, as it were, a drill under the hot sun for three hours. That very courteous Mr. Darling sits on the table and begins to pronounce his dictums, as it were. Now I do not think the House can condone the acts of a gentleman like that, and when I move this motion for a reduction of Rs. 100 I mean that we move a vote of censure against the present Government, and it is because the present Government have not only not done anything to assuage the feelings of the people, have not only done nothing to censure the man who is responsible for that amount of indignity and humiliation which he inflicted upon those respectable people, but that they have as it were kept themselves almost with oil in their ears and been sleeping over the matter.

After that my friend Rai Bahadur Lala Sita Ram wrote a long letter to the Hon'ble the Finance Member. He was good enough to send me a copy of that letter, and I do not know what action the Hon'ble the Finance Member took. With regard to that situation a number of telegrams were sent to the press, a number of messages were sent to other public men of the province, but all of them, as if Muzaffarnagar was under martial law, were suppressed. No messages were allowed to go out of Muzaffarnagar, and Muzaffarnagar, as it were, was under something like a reign of terror under another edition of Colonel Frank Johnson. This was the condition of Muzaffarnagar and that Collector is still there enjoying his

[Thakur Manjit Singh Rathor.]

position as if nothing untoward had happened and as if he was responsible for nothing. Not only that, but later something in the nature of a reconciliation was brought about by the Commissioner. Soon after that Mr. Darling comes to the local exhibition and speaks in the manner of almost a bravado. He says:—"Look here, what have your representatives been able to do in the Council, what can an M. L. C. do? Will the Government hear an M. L. C. as against what the man on the spot says to the Government?" It is this spirit which has got to be curbed, and unless this spirit is changed, no amount of reform, no amount of trying to bring about changes in the present constitution will do. I think the reformed régime has been a failure, and it has been a failure because the spirit of administration has not changed. We want to make the Government popular, but I think this is almost an impossibility.

Before I sit down I may say one or two words only as to what I think about the whole affair. In my opinion the gentlemen who were subjected to all this humiliation did not behave in the manner in which they ought to have done. Had they taken that course, there would not have been a continuance of this state of affairs. In fact we people want our grievances to be redressed by means of resolutions and by means of pious wishes expressed in a pious manner. We did not approach the matter in the manner in which we ought to have done. I do not mean to say that there should have been *hartals*. I was present in Muzaffarnagar. I went there in connection with this. I found that the people there had unanimously decided to boycott the exhibition. Only one month passed and they again withdrew their boycott, with the result that the Government has not tried to redress their grievance. I, however, only say that I expect that those gentlemen who claim to be members of a very great and dignified party, the name of which they are not very anxious to disclose, will vote with independence on this motion and will not allow themselves to be dragged along the chariot wheels of the bureaucracy. I hope that they will take that insult not merely as their personal insult, but as an insult to the nation, because my friend, Rai Sahib Lala Jagdish Prasad, is a representative of the nation and we should take that insult in that manner. Unless we are prepared to pass this motion of censure on the Government, I think no amount of talking, petitioning, praying and protesting will do. The obvious policy of the Government is, as has been described by somebody, that they hear the matter, and unless there is a very substantial cut they do not care for it. If there is a substantial cut, they resort to certification as they did last year.

With these words I put the motion before the House. I am not going to withdraw it because I feel that a motion like this should be passed as a censure against the present Government.

**The Hon'ble Mr. S. P. O'Donnell :** I would refer the honourable member to a reply given to a question on this subject on the 18th December last. I can add nothing to the answer there given, but I would remind the Council of what that answer was. The answer said:—"The Governor in Council after considering various representations and making due inquiry, finds that the Magistrate's action in asking for a programme and in forbidding music in front of the two mosques situated on the proposed processional route was justified by the previous events of 30th September, by the refusal of the managers to furnish a time-table and by the state of



feeling in Muzaffarnagar. The situation was such that the District Magistrate would have failed in his duty if he had not taken measures to preserve the peace, and in this object he was successful."

The honourable member who has moved this motion has entirely omitted to mention the definite refusal of the managers to furnish a time-table. The reply went on to say:—"The Governor in Council, however, considers that the District Magistrate, even though he regarded additional police officers as necessary would have acted more wisely had he refrained from enrolling a number of prominent gentlemen as special constables, and disapproves of the manner in which he made the enrolment. In these respects the Governor in Council does not consider that the Magistrate's action was justified, and has already conveyed this opinion to him. The Government have received an assurance that the Magistrate's action in enrolling these gentlemen as special constables was not prompted by a desire to cause humiliation or to inflict punishment, and this assurance the Government accept."

I can add nothing to that statement.

**The Hon'ble the President:** There is a similar motion in the name of Pandit Nanak Chand.

**Pandit Nanak Chand:** I do not wish to move that, but I would like to speak to the motion now before the House.

I would not take the time of the House—I would simply point to the statement which the Hon'ble the Finance Member made in reply to a number of questions that were put to Government and to which he has referred just now. He in a way, on behalf of the Government, considers the action of the District Magistrate to be justifiable. I do not suppose any non-official member of this House will accept that justification. He has stated that the members of the Ramhla committee—if I am incorrect I hope he will correct me—refused to give the programme of the functions. I have just ascertained it from my friend sitting on my left, and on his authority I repudiate the suggestion. I think my friend Rai Sahib Lala Jagdish Prasad is as respectable as any man among the services can be and if the Government place their reliance for this justification on their own official we on behalf of the non-official members can justify ourselves in trusting the word of our own non-official colleagues. It is quite possible that the District Magistrate might have asked for this programme from some irresponsible person who was not connected with the committee responsible for the Ramhla procession. It is on account of the stubborn refusal of the Government to give even an eye-wash, to console us for the treatment—the undesirable, unbecoming and humiliating treatment meted out to one of our colleagues and also to other respectable members of the gentry of Muzaffarnagar—that we want to enter an emphatic protest by carrying this motion of reduction. Government always tries to shield their officers even when they should be frank to recognize that a mistake has been committed by one of their officers, and when they ought to censure the erring officer and to warn him to behave properly on future occasions so that other officers might take it as an object lesson.

**Pandit Govind Ballabh Pant:** I support every word that has fallen from my friend Thakur Manjit Singh and from Pandit Nanak Chand, and I hope this motion will be carried unanimously by the non-official members.

**The Hon'ble the Finance Member :** I have only this much to add. The answer which was given in December last was based on the report of the Commissioner. The Commissioner of the division made a most careful inquiry and the statement that the managers had refused to furnish a programme is derived from the report of the Commissioner.

Motion agreed to.

**Hafiz Hidayat Husain :** I beg to move that the demand of Rs. 5,64,360 in respect of the item regarding tahsildars at page 45 of the Detailed Estimates be reduced by Rs. 10.

I only want to find out what has become of the scheme under which tahsildars of large places such as Allahabad, Cawnpore, Lucknow, were allowed or proposed to be allowed some house rent which has not been paid to them since it was allowed.

**Mr. S. H. Fremantle :** In the larger cities the tahsildars have got the allowance. The tahsildar of Lucknow I know gets it.

**Hafiz Hidayat Husain :** Not in Cawnpore.

Motion by leave withdrawn.

**The Hon'ble Mr. S. P. O'Donnell :** I beg to move that the demand of Rs. 22,55,364 in respect of the item regarding establishment at page 45 of the Detailed Estimates be reduced by Rs. 4,983. This is to rectify an error.

Motion agreed to.

**The Hon'ble Mr. S. P. O'Donnell :** I beg to move that the demand of Rs. 5,20,788 in respect of the item regarding clerks at page 45 of the Detailed Estimates be reduced by Rs. 275. The reduction is, I believe, on account of the abolition of a post ; but I must admit that I am not quite sure on the point.

Motion agreed to.

**Babu Bhagwati Sahai Bedar :** I move that the demand of Rs. 6,01,751 in respect of the item regarding (c) Other establishments at page 45 of the Detailed Estimates be reduced by Rs. 100.

I wish only to bring to the notice of the Government the case of these poor clerks in the revenue record rooms and the copy-making establishment, and to suggest that their posts be made pensionable, because they belong neither to the higher grades nor to the lower grades but to the starvation grade.

**The Hon'ble Mr. S. P. O'Donnell :** I made a statement on this subject the other day. As I then explained, we have accepted the proposal in principle. I did not commit the Government to any exact date ; but if everything goes well during the next six months we think we ought to be able to bring it into force next cold weather—or at any rate to make a beginning.

**Babu Bhagwati Sahai Bedar :** By that time will the age-restriction be removed whereby a man is debarred from entering Government service after 25 years ?

**The Hon'ble Mr. S. P. O'Donnell :** I think that is a small matter. The interval of six months is not likely to make much difference.

Motion by leave withdrawn.

**The Hon'ble the President :** Motion No. 133, Pandit Sri Krishna Dutt Paliwal.

**Pandit Govind Ballabh Pant :** I wish to make one request, Sir. Motion No. 133 will not be moved by Mr. Paliwal. But I wish to ask for five minutes when you put the whole demand before the Council.

**The Hon'ble the President :** The original motion was for a demand of Rs. 1,06,62,119 allowing for the reduction of Rs 6,000, since when motions have been adopted by the Council making reductions amounting to Rs. 66,178, leaving a balance of Rs. 1,05,89,941. The motion now before the Council is that the demand Rs. 1,05,89,941 be voted.

**Pandit Govind Ballabh Pant :** Encouraged by the very excellent speeches delivered by some of the very honourable members of this House I rise to vindicate the elementary principle of constitutional government that no supply should be voted unless and until the executive is subordinated to the Legislature. It is with a view to carry that principle, viz., that the executive should be brought under the control of the Legislature, that I have come forward to oppose this demand. The question is a very simple one. The reserved half of the Government can ride rough shod over us as it chooses. As to whether it does so or not, that depends on the personality of the individual concerned. So far as the principle is concerned this House has no control over them, they can deal with us as they like. To that extent this Legislature and all those connected with it are subordinate to the executive. As has been so well stated today, the elementary constitutional principle, viz., the subordination of the executive to the Legislature, must be established, must be asserted in such a manner as to be effective with those who are in power today. The occasions when, owing to that principle of the subordination of the Legislature to the executive, the executive happen to do something to the advantage of the poor and general masses are very rare indeed. But many more are the cases where the executive abuses and excesses are against them. And it is with a view to assert that principle definitely that I am making this suggestion. We had asked the other day for standing committees. They were refused by the reserved half. All the rules that govern the administration and which are concerned with many more matters than the particular incident to which reference was made today are framed by the executive independently of the Legislature. Again, there are cases in which we know that, contrary to the rules, contrary to laws, interference with elections has been made by the executive as against the wishes of the Legislature. There have been cases when officers of the Government have been carrying on political and Aman Sabha activities against the rules governing the conduct of Government servants, and there have been cases which came to the notice of the public that even the proceedings of courts have been interfered with, when attempts have been made by the executive to interfere with them whenever any political or racial considerations have come in. There have been cases when proposals regarding economy of a far-reaching character urged by this Legislature or by bodies subordinate to them have been disregarded by the executive. In fact there have been cases where even larger principles laid down by Parliament have not been adhered to by the executive. Contrary to the wishes of the Council the recommendations of the Lee Commission regarding increase in the emoluments of superior services have been forced on an unwilling and destitute people. Dyarch has been condemned all over, but it goes on merrily and

[Pandit Govind Ballabh Pant.]

our Local Government does not want any change until 1929. It is with a view to set up that principle, it is with a view to assert and to vindicate it, that I request the House today to refuse the supplies that are being sought. The time when that principle was asserted previously in connection with a particular motion was liable to misapprehension in more ways than one, and I was assured by honourable members that it was only with a view to assert that principle that that question was raised. Then their assertion of that principle was likely to injure poor and helpless masses who are not represented here. I hope they will associate themselves with what I have ventured to submit and will vote for the refusal of the demand. Thereby they will be vindicating the elementary constitutional principle of the supremacy of responsible legislature and its laws over irresponsible executive and its vagaries in a manly and chivalrous way.

**The Hon'ble Mr. S. P. O'Donnell :** The proposal of the honourable member who has just spoken is clearly in the nature of a wrecking motion. It does not suggest that the expenditure shown in this budget is not required. We have been through it in detail and the Council has made such reductions as on the merits appear it to be required. His suggestion is that the whole demand should be rejected because the constitution does not conform to his ideas as to what it ought to be. Now, Sir, I do not propose to enter into a defence or on an analysis of the present constitution. If I were to attempt that task, I shall obviously require a far longer time than will be available today. But whatever the merits or the demerits of the constitution, the constitution is at any rate binding upon us and our task—the task of the Local Government—is merely to carry out the principles and the orders embodied in that constitution, which we do to the best of our ability. That does not, of course, mean that there can be no discussion on the constitution in the Legislature. Normally, I think the Assembly is the proper forum for a general discussion of this kind. But during this session there will, as it happens, be an opportunity for honourable members to express their views regarding any change in the constitution which they consider to be necessary.

The honourable member has made one or two assertions of detail, as I may call them which I cannot accept. I cannot admit that the executive has interfered with the discretion of the judiciary in cases which were before the judiciary. I know of no such case. Nor can I admit that the provisions in the Government Servants' Conduct Rules have been violated. If honourable members will refer to the latest edition of the Government Servants' Conduct Rules they will see that the activities to which the honourable member referred—those which took place in 1921—were covered by these rules. The rules explicitly recognize that Government servants may do their best to discourage by persuasion and by speaking, activities which are of an unconstitutional character, activities which aim at a revolution and a complete subversion of the constitution.

Demand voted.

#### **Demand No. 5. Head 41.—Civil Works.**

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan :** I rise to communicate to this House the recommendation of His Excellency the Governor that a sum of Rs. 46,44,108 be granted under head Civil Works, and I move that the said sum be voted.

I was thinking, Sir, of making a survey of the activities of the department during the year that is about to close, but now the time is so short that I think it will not be according to the wishes of the honourable members of this House, nor would it be according to my own inclination to take more time of the House. I am very desirous to learn the views of the members upon this department, because the criticisms levelled by the honourable members of this House serve us as a guiding light for the rest of the year. I would only take a few minutes in briefly explaining the changes that have been made in this department according to the recommendations of the Public Works Department Reorganization Committee. We estimated that there would be an economy of Rs. 7,55,329. Out of that amount an economy of Rs. 3,70,501 has already been effected, and we hope that an economy to the tune of Rs. 3,62,179 will be effected during the year. The sum we hope to get under the head of Engineering is Rs. 99,220, Subordinates Rs. 54,150, Computers and Clerks Rs. 88,480, Travelling allowance Rs. 48,350, Contingencies Rs. 87,257. During the general discussion some of the honourable members of this House suggested that we could not reduce our all-India cadre. My reply to this question is exactly the same as I said in reply to the general discussion, that we are going to send up our recommendations to the Secretary of State and the Government of India; that is the only thing possible to do, and we should await the orders of the Secretary of State on those recommendations of ours. The honourable members are aware that it is not for us to reduce the number of all-India services unless it is sanctioned by the Secretary of State. The other thing that has been done during this year is that we have given over all our district board roads to the local bodies, except in districts Bareilly, Bulandshahr and Mirzapur every other district board has asked and we have handed over those roads to them. We are perfectly prepared to give them their work and to let them learn by their mistakes.

Another change that has been made during the year is that all petty works have been handed over to the different departments. This we have done with a view to encourage private enterprise, and I do not wish that this department should stand in the way of private enterprise.

Another thing that is under consideration—and in this respect we are trying to go a step further than what was recommended by the Reorganization Committee—is that we are thinking of handing over some of the local roads to the local bodies in hilly districts. Of course they will be given over to such boards who will be willing to take them. I do not wish to take up any more time of the Council.

**Babu Mohan Lal Saksena :** I move that the demand of Rs. 1,00,000 in respect of the item regarding Public Health—Provincial Institute of Hygiene at page 17 of the Public Works department Detailed Estimates be omitted.

If the honourable members will refer to page 17 of the Detailed Estimates they will find that the total cost of this building is estimated to be Rs. 2,56,000 and not Rs. 1,00,000 as has been shown in the demand. We have heard from the Hon'ble the Finance Member on several occasions, when we made certain suggestions about useful schemes and necessary works, that we should wait for the monsoon, and if the monsoon is favourable, our schemes will be considered. Now it is my turn to ask the Hon'ble Minister of Education that he should wait for favourable monsoon. If the monsoon is favourable I think we will be able to pass

[Babu Mohan Lal Saksena.]

this demand later on. As was pointed out by Pandit Govind Ballabh Pant the other day there are schools where boys read under trees, and with regard to his request for buildings for these schools the Hon'ble Minister said that he could not even provide for such small buildings. I hope all of us are agreed that they are very necessary for their health and for the physical needs of the children who go to the schools. I think this ambitious scheme for a building for the Provincial Hygiene Institute can wait at least for one year more if not longer. With these few words I move this cut and hope the honourable members of this House will accept it as is indicated by a number of motions for cuts on the agenda in regard to this demand.

**The Hon'ble Rai Rajeshwar Bali:** I will very briefly refer to this motion because we are already very late. This scheme of a Provincial Hygiene Institute was brought on the schedules in deference to the wishes of this House. The House expressed last year that we should attempt to provide more sanitary inspectors in cities. The object of this institute is to provide facilities for the training of Diplomate in Public Health and Licentiate in Public Health. It is obvious that we cannot provide these officers without giving them special training in hygiene and in the cause and cure of epidemics, etc. All the greater provinces of India, such as Bombay, Madras, Bengal and probably the Punjab, have got such institutes. Our own province has no provision for training. We confine the training to a small group in the King George's College. Our students of public health use the Medical College lecture theatres when they are available. Another difficulty is that for want of provision and want of accommodation we have to engage people who have been trained in other parts of India or in other countries for higher services in this department. Moreover, the Lucknow University is now wanting us to remove our class from the room that they have lent us for this purpose. The question is, if the House wishes that they should be trained more efficiently and possess higher qualifications, then I hope they will pass the provision for this institute. If the House wishes that we should wait, I have no very serious objection to it, but the result would be that we will not be able to provide proper instruction in sanitation for another year. There are two difficulties in my way. In the first place there is not enough room. We cannot train more than eight or nine men. Secondly, the instruction that is given there is of a very inferior quality because we cannot provide them with up-to-date laboratories, fittings and many other things, such as bacteriological equipment, and so on. Therefore necessarily the teaching is of a very inferior order. If the House want that sanitation should really be improved and should be provided in an efficient manner, the scheme proposed is a very desirable one.

**Dr. Ganesh Prasad:** Although I do not belong to any party (and I am rather proud of that), I would like my honourable friends who are opposed to this grandiose scheme to press the motion to a division. I owe it to my poor countrymen to make this clear that there is no country in the world where before education could be imparted to a few students or even a hundred students there must be a very big building costing lakhs. I had the honour of attending lectures with three of the most promising wranglers of the time in the Trinity College of Cambridge in the year

1902 in a room which would be considered in this very benighted country as not fit for the habitation of a *khansama*. Is there any college in Cambridge or Oxford which in recent years has cost in repairs or extensions even a lakh? I say, No; and I challenge anyone here to contradict that. In the Bengal Presidency there is an institute called the Institute of Tropical Medicine. I want the Hon'ble Minister of Education to let us know whether that institute was constructed from the funds wrung out of the poor tax-payers who have not got enough to keep life and soul together; in order to prevent a few hundreds of them from dying from preventable diseases you want them to make payment of nearly three lakhs for building a palace. I want to tell my honourable friends that the Lucknow Institute already exists and instruction is being imparted. According to my friend the Hon'ble Minister we must spend nearly three lakhs, not to get better teachers or to provide better equipment but to erect a big building. The ideal of the people of this county has never been this, that in order to ponder over the intricacies of any branch of science we must sit in a grand palace and must have a huge staff of servants. I understand that in this institute there is one gentleman, the Assistant Director of Public Health—a very esteemed friend of mine. There is a lecturer and there are, I suppose, one clerk and seven menial servants. In order to house these persons and about 20 or 25 students we are asked to spend about Rs. 2,50,000 on a building. Sir, in the Calcutta University we have got a building called the University College of Science constructed not from the funds wrung out of the poor tax-payers but from the funds provided by a very distinguished member of the legal profession—I mean Sir Tarak Nath Palit. If there is any one here belonging to the class to which my friend the Hon'ble Rai Rajeshwar Bali belongs who is willing to come forward and pay a lakh, I would be the last man to grudge the staff and the students being housed in a palace. I have been a University professor for nearly five years at the University College of Science. That building has been constructed at a cost of about Rs. 2,50,000. It contains 52 rooms and it has produced such distinguished men the like of whom do not exist in the United Provinces. Is there a Pasteur or Virchow here in the United Provinces? The answer is an emphatic negative. We pay some men princely salaries which would never have been dreamt of by a Pasteur or a Virchow. We cannot reduce those salaries. But those men say that before they can discharge their duties satisfactorily they must be given a palace; this I oppose most emphatically.

**Pandit Govind Ballabh Pant:** I only want to say one word. We are not opposed to any amount of expenditure on rural education. In fact the state of things in villages is so very deplorable that it is a wonder that it should not have engaged the attention of the Government so far. But the question is why the amount that it is proposed to spend on the construction of the institute should not come out of the debt head instead of the revenues, and why this sum should not be spent in improving rural sanitation. If the money is not taken out of the revenues, it will be available for improvement on sanitation in villages, of which there is at present a great need. If honourable members will examine the project of the institute rather minutely they will find that a large recurring expenditure will not be required, because the number of students who will be trained there will be small. One or two rooms for the present will serve the purpose. Later, if there is need for more accommodation, there will be

[Pandit Govind Ballabh Pant.]

this building available. Besides, it will be possible to get a couple of rooms in any of the Government buildings which are at present either yielding very low rent or are empty. In any case we should not deprive the people of these provinces of funds which are urgently needed to improve sanitation. Again, I should like to submit that when the Police buildings are being erected out of the debt head, out of money obtained from the Government of India, there is no reason why allotment for the institute should not also be made from the same head. Any amount spent on public health should be regarded as reproductive because it will conduce to the health of the province. For these reasons I support the motion of my friend Babu Mohan Lal Saksena.

**Thakur Sadho Singh :** I rise to support the motion of my friend Babu Mohan Lal Saksena. It is a pity that when there is not enough money granted to sink wells in order to supply even pure drinking water to the poor agriculturists, such a huge sum of money should be spent on the construction of a hygiene institute. The prime duty of the Government should be to supply direct needs of the poor people of these provinces and not to indulge in schemes of such extravagance.

Motion agreed to.

**Rai Bahadur Thakur Hanuman Singh :** I move that the demand of Rs. 50,000 in respect of the item No. 12 regarding extension of the Government Intermediate College at Moradabad at page 18 of the Detailed Estimates be reduced by Re. 1. My reason for bringing this motion is to get some information from the Director of Public Instruction and so, instead of making any speech, I will put two questions and I hope he will very kindly reply them. If there is a need for the extension of a recognized school and for the building of a hostel in connection with that school, will the Government pay an equal amount to that which was spent on the construction of the building some short time ago by the committee of management or some private persons? If the committee wants to build a hostel of a sectarian nature, will the Government contribute as an aid as much as may be the amount of collections for the construction of the hostel?

**Pandit Nanak Chand :** May I also put a question to the Director of Public Instruction in connection with this motion? The Economy Committee recommended in connection with intermediate colleges that the lower classes should be removed from there. I just want to know whether it will not be possible in the case of this intermediate college to avoid the cost of this extension by reducing it to an institution of higher classes as recommended by the Economy Committee.

**Mr. A. H. Mackenzie :** I shall first answer the questions of Rai Bahadur Thakur Hanuman Singh. As regards his first question I think I can best answer it by referring him to the Educational Code. According to paragraph 370 of the Educational Code the value of the site acquired or of the buildings constructed without a grant may be taken into consideration in determining the amount of the grant. As regards the question of assistance for sectarian hostels, proposals for such assistance will be considered on their merits like other proposals for new buildings and they are subject to the usual conditions laid down regarding grants-in-aid. As regards the inquiry made by Pandit Nanak Chand, the Education



department agrees with the recommendation of the Economy Committee, to which he has referred, as far as it is practicable. At the time the report of the Committee was issued the Government were not committed to any expenditure on buildings for the Intermediate College, Moradabad. I therefore visited Moradabad to see whether it was possible to apply that particular recommendation to the conditions there, but I found that it would be impossible to absorb in other local schools the junior classes of the Intermediate College if these were cut off from the Government institution. Further, the Government Intermediate College, Moradabad, is housed in one of the oldest buildings in the province. Last year the roof collapsed and the students had to be accommodated in thatched huts. It would therefore not be possible to provide in the existing building the accommodation required for laboratories and other purposes. I trust that the honourable members will be satisfied with this explanation.

Motion by leave withdrawn.

**Babu Damodar Das :** I beg to move that the demand of Rs. 4,303 in respect of the item regarding the pontoon bridge at Mirzapur at page 27 of the Detailed Estimates be reduced by Rs. 100. A great deal of terrorism is going on among the servants of the thekadar Mustafa Khan. The pilgrims are sometimes terrorized and taxed twice and thrice. They are sometimes charged as much as four annas. Some of them have even been thrown overboard. Besides the pontoon bridge has not been constructed as yet, though it is the 19th of March and it will be broken up in the middle of June.

**Mr. A. C. Verrieres :** As regards the malpractices that seem to be going on at the bridge we shall make inquiries; but I would bring to the notice of the House that the ferry farmer and his father before him have been in charge of the bridge, and collected the tolls since 1872. As regards the delay in erecting the bridge, the circumstances are somewhat peculiar. The bridge is built at what they call the Khandua nala, and the old nala bed is used as an approach to the pontoon bridge when the river is low. Now, what happens is that every year there is a considerable deposit of silt on the approaches. I have myself seen it, and in some places it is as thick as fifteen feet, and that is really why it is impossible to prepare the approaches of the bridge before December. Were it only a case of sludge deposit, we might avoid the trouble by building a bund across the approach every year; but under the approach there is a sewer, and if we were to bund up the approach in this fashion, we would have a head of water on the sewer of about 18 feet during floods, and that would blow it up. That is the trouble. We are investigating the difficulty, and I hope that we will succeed in doing something to accelerate the erection of the bridge every year.

Motion by leave withdrawn.

**Pandit Govind Ballabh Pant :** I move that the demand of Rs. 3,71,000 in respect of the item regarding buildings at page 43 of the Detailed Estimates be reduced by Rs. 25,000.

Everybody should know what I am referring to. I want a cut of Rs. 25,000. The reason is that these estimates, as one can see from the remarks that are given against every item, were prepared some years ago—some in 1921, some in 1922, some in 1923 and some in 1924. Since then

[Pandit Govind Ballabh Pant.]

both the wages and prices have fallen, and I consider that it should be very easy to make a reduction of Rs. 25,000 now.

**Mr. A. C. Verrieres :** As regards the works in progress, it seems to me to be impossible to do anything in the matter of reduction because contracts have already been given out and it is not possible now to change the rates. As regards the works that have not been started, I have gone through the estimates and find that the estimates were prepared as recently as 1923-24. Again I would like to point out that whenever tenders are called for, the contractors are free to tender at any percentage above or below the estimate, so that although these estimates may be shown in the budget at a certain figure, there is no reason at all why we should stick to the rates in actual practice.

**Pandit Govind Ballabh Pant :** The reply comes to this that it is likely that a reduction may be made, but that the Government does not want to bind itself. But I hope that if reduction is possible, the Council should insist that a reduction is made to the extent of Rs. 25,000. It is much less than the commission that any overseer gets.

**Mr. A. C. Verrieres :** I do not know anything about that but if the honourable member will look at . . .

**Pandit Govind Ballabh Pant :** The Hon'ble Minister is willing to accept it.

**The Hon'ble Lient. Nawab Muhammad Ahmad Sa'id Khan :** Mr. Verrieres tells me that he cannot find the item

**Mr. A. C. Verrieres :** Will the honourable member kindly mention any estimate ?

**Pandit Govind Ballabh Pant :** I may refer to page 21 of the Detailed Estimates of revenue and expenditure of the Public Works department.

The question was put and the Council divided as below :—

*Ayes (26).*

Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
Rai Jagdish Prasad Sahib.  
Pandit Nanak Chand.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Sri Krishna Dutt Paliwal.

Babu Parsidh Narayan Anad.  
Pandit Yajna Narayan Upadhyas.  
Pandit Baijnath Misra.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukand Lal.  
Babu Ram Chandra Sinha.  
Babu Sita Ram.  
Dr. Muhammad Naim Ansari.  
Maulvi Zahur-ud-din.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Lala Mathura Prasad Mehrotra.

*Noes (37).*

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lient. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Baki.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.

Mr. A. C. Verrieres.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallowes.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.

*Noes (37)—(concl'd.).*

Mr. A. H. Mackenzie.  
 Mr. G. Clarke.  
 Raja Bahadur Brij Narayan Rai.  
 Mr. H. David.  
 Babu Khem Chand.  
 Lala Babu Lal.  
 Rai Bahadur Babu Ram Nath Bhargava.  
 Rai Amba Prasad Sahib.  
 Lieut. Raja Bahadur Hukm Tej Pratap Singh.

Rai Bahadur Thakur Hanuman Singh.  
 Bhaya Hanumat Prasad Singh.  
 Kunwar Surendra Pratap Sahi.  
 Mr. Muhammad Aslam Saifi.  
 Maulvi Obaid-ur-Rahman Khan.  
 Hafiz Hidayat Husain.  
 Khan Bahadur Shaikh Masud-uz-Zaman.  
 Nawab Muhammad Yusuf.  
 Mr. Ashiq Husain Mirza.  
 Khan Bahadur Munshi Siddiq Ahmad.

Motion negatived.

**The Hon'ble the President:** The original demand was for a sum of Rs. 47,44,108, since when a reduction has been made by the Council of Rs. 1,00,000, leaving a net demand of Rs. 46,44,108. The question is that this sum be voted.

Demand voted.

The Council was then adjourned to the following day.



# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Friday, the 20th March, 1925.*

THE Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

## PRESENT :

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bah.  
Mr. G. B. Lambert  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Babu Khem Chand  
Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Rajkumar Singh.  
Thakur Shib Narayan Singh.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Amba Prasad Sahib.  
Rai Bahadur Pandit Kharagjit Misra.  
Lala Dhakan Lal.  
Babu Nemi Saran.

Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Brijnandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Lieut. Raja Durga Narayan Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsiddh Narayan Anad.  
Pandit Yajna Narayan Upadhya.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.  
Pandit Baijnath Misra.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Kunwar Rajendra Singh.  
Rai Bahadur Thakur Mashal Singh  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Zahur Ahmad.  
Dr. Muhammad Naim Ansari.  
Mr. Muhammad Aslam Saif.  
Maulvi Zahur-ud-din.  
Rao Abdul Hamid Khan.  
Khan Bahadur Chaudhri Amir Hasan  
Khan.  
Maulvi Obaid-ur-Rahman Khan.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Dr. Shafa'at Ahmad Khan.  
Sayid Muhammad Asbiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khan Bahadur Munshi Siddiq Ahmad.  
Raja Saiyid Ahmad Ali Khan Alvi.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf.  
Mr. St. George H. S. Jackson.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khaz.  
Raja Jagannath Baksh Singh.  
Dr. Ganesh Prasad.

**BUDGET, 1925-26.****DISCUSSION OF DEMANDS FOR GRANTS****Demand No. 9.****HEAD 32— MEDICAL.**

**The Hon'ble Rai Rajeshwar Bali:** I beg to report to the Council the recommendation of His Excellency the Governor that the sum of Rs. 22,84,587 be provided for demand No. 9—Medical and I move that this sum be voted. To this may be added a sum of Rs 6,32,537 which is shown as non-votable.

Sir, I will not take much time of the House in introducing the Medical Budget, for many of the points to which I wish to refer will be covered by the motions that are to be moved during this debate.

The main problems that have been occupying the attention of the Government in this department during the current year have been on the one side the reorganization of the superior services as a result of the recommendations of the Lee Commission, and on the other the future of the subordinate medical service. The discussions regarding the reorganization of the superior services are at a stage that I am afraid I am unable to disclose their nature before the House. They are still the subject of correspondence between this Government and the Government of India. With regard to the position of sub-assistant surgeons pressure has been brought to bear on the Government by the district boards that this service should be deprovincialized, and that we should try to discharge as many of them as possible. This service is being paid by the district boards and they think that the pay that is provided for them is too high. On the other side my friend Babu Sita Ram—who I am sorry is not present here today—ventilated the feelings of the sub-assistant surgeons the other day during the general budget debate when he criticized that we should not have discharged even the small number of sub-assistant surgeons whom we have done so on account of the pressure of the district boards as well as on account of the closing of a large number of travelling dispensaries. I would not enter into this question in greater detail at this stage, for a motion with regard to this matter is on the agenda and I do not wish to forestall the debate.

One important reform carried through during the year has been the separation of the Women's Medical School at Agra from the Men's School. This scheme was sanctioned from the 1st April, 1924, and is proving beneficial in every way to the women students. In the men's school the new civil students shall enter without signing any bond; and shall have to pay a tuition fee of Rs. 30 per year.

Then, Sir, I wish to mention to the House that we are taking steps to reorganize the State Medical Faculty. Some time ago the State Board of Medical Examinations recommended the reorganisation of this Faculty. The scheme received further recommendation from the Advisory Committee on medical matters which was appointed in 1921. But later on the State Board thought that of the two schemes that it wanted to be given effect to, one with regard to the provision of a five years' course at the Agra Medical School may for the present be postponed and the other scheme for the improvement of the present four

years' course may be adopted at an earlier date. This we propose to do; and it is hoped that the next session will begin with improved training.

In the present budget there are one or two provisions to which I wish to draw the special attention of the House. One is with regard to a larger provision for the Lady Chelmsford Maternity Welfare League for the training of *dais*. We are asking in this budget Rs. 10,000 more than appeared in the last year's budget. Further, we are providing a lakh of rupees for the increase of medical facilities in rural areas. By some mistake this sum has been included in the Public Health budget, but it ought to be really in the medical budget. This sum is provided for two schemes; one is to subsidize medical practitioners to settle down in rural areas and the other is to introduce a sort of grant-in-aid system for any new dispensary that is built by the district boards, or private person or persons, or by both. In the subsidy scheme we have provided for in this year for 100 such medical practitioners to settle down. It is possible there may be a larger number who may be willing to avail of these terms but in the absence of any definite information we have provided for this number only in the first instance. With regard to the other scheme the idea is to follow the practice that obtains in the Education department. It will be found that on account of the grant-in-aid system which obtains in the educational department a large number of aided institutions have sprung up. We want to introduce the same system in the Medical department in order to encourage private people to build dispensaries. We shall try to provide up to half the capital cost of the building of a new dispensary, the remaining half being provided either by the district board or by any private donor or donors or by the two combined. The recurring cost, too, will be borne up to half by the Government, and the remaining half will be borne by the other party. The sum of Rs. 50,000 in the budget for this object will mean a provision for about four or five dispensaries. I know the number is very small. But we could not do better for lack of definite information as well as of adequate funds. If we are able to find more funds and if we find that there is a demand and desire on the part of the district boards and other private persons to take advantage of this scheme then we shall certainly try to come before the Council with a supplementary estimate. But for the present only Rs. 50,000 is provided in the budget which will be enough for four or five dispensaries.

**Dr. Muhammad Naim Ansari:** I beg to move that the demand of Rs. 22,886 in respect of the item regarding salaries—establishment of clerks, at page 80 of the Detailed Estimates be reduced by Rs. 1,440.

The motion refers to the salary of clerks which requires a little explanation. The salaries of the clerks range from Rs. 45 to Rs. 420. That is, the head clerk of the department receives Rs. 420 per month. As regards the other head clerks or head assistants of other provincial departments the maximum pay is only Rs. 300. I want to know the reason for this increase in this particular instance. If the reply is reasonable I will not press the motion.

**Col. A. W. R. Cochrane:** The honourable member has criticized the scale of pay of my head assistant who takes the place of the personal assistant which many officers have. The pay of this post up to the year

[Col. A. W. R. Cochrane.]

1903 was Rs. 350 ; it was later raised to Rs. 400 ; and later under the Silberrad scheme it was raised to Rs. 420. The post is not one of head clerk but of personal assistant to the Inspector-General.

**Dr. Muhammad Naim Ansari :** The head assistant to the Inspector-General of Prisons gets only Rs. 300 a month.

**The Hon'ble Rai Rajeshwar Bali :** I may also add that no mention was made about it in the Economy Committee report.

**Dr. Muhammad Naim Ansari :** I do not press the motion.

Motion by leave withdrawn.

**The Hon'ble the President :** The motion of Pandit Bhagwat Narayan Bhargava cannot be moved as it is. Will the honourable member make it a formal motion to reduce the demand by Re. 1 or some sum of that sort ?

**Pandit Bhagwat Narayan Bhargava :** Yes, Sir. I beg to move that the demand of Rs. 23,876 in respect of the item regarding superintendence—establishment at page 80 of the detailed estimates be reduced by Re. 1. The object of my motion is to press for the abolition of the post of Inspector-General of Civil Hospitals as recommended by the Economy Committee. It is more than a year ago that the report of the Economy Committee was presented to the Government and all the members, including officials appointed by Government itself were unanimous on the point that the post should be abolished. As is apparent from the resolution of the Government dated 24th February, 1925, it appears that the Government are waiting for the orders of the Government of India regarding the reorganization of the Medical Services. I think they themselves have not come to any definite conclusion about it and they are only waiting for the decision of the Government of India. I am afraid they may have to wait for years together, as we have got to wait for the orders for the abolition of commissionerships or for the reduction in the number of commissionerships. In fact the Government have not been able to reduce or abolish any post carrying a high salary as recommended by the Economy Committee. As regards this particular post I may mention that the Economy Committee has very lucidly dealt with the distribution of the duties of the Inspector-General of Civil Hospitals. They said they can be distributed amongst Secretariat officials and select civil surgeons. I for one will agree with Mr. Kunzru, a member of that committee, when he says that some of the duties could also be delegated to district boards.

**Pandit Nanak Chand :** I move that the demand of Rs. 23,876 in respect of the item regarding establishment at page 80 of the detailed estimates be reduced by Rs. 100. I have nothing more to add as regards the points which have been raised by my honourable friend over there. I intended to draw the attention of the Hon'ble Minister to another point and it is this, that the head assistant to the Inspector-General of Civil Hospitals when he was a European used also to . . .

**The Hon'ble the President :** I think we had a discussion on the head assistant or personal assistant, whatever you may call him, on the motion of Dr. Ansari.

**Pandit Nanak Chand :** I am raising quite a different point here. I was saying that the head assistant, when he was a European, used to hold



combined charge of the head assistant to the Inspector-General of Civil Hospitals and also of the office of the Secretary of the United Provinces Medical Council. But when the European head assistant retired and an Indian was appointed to that post, the Indian head assistant was not given charge of the post of Secretary to the United Provinces Medical Council, and the latter charge is still held by the retired head-assistant to the Inspector-General of Civil Hospitals. As the Inspector-General of Civil Hospitals happens to be the President of the Medical Council, the two charges can continue to be held by one person as formerly and this combination will be quite natural, as he will have to deal with the Inspector-General of Civil Hospitals in both capacities.

**Col A. W. R. Cochrane:** I wish to point out first of all that the appointment of the Registrar of the United Provinces Medical Council lies with the Medical Council, and secondly, that the Medical Council was started only a year or two ago before the retirement of the late head assistant who held both the posts. The appointment of Registrar was only a temporary measure till the Medical Council got into its stride.

**Pandit Nanak Chand:** Are the duties of the two offices such that they cannot be combined into one office?

**Col. A. W. R. Cochrane:** Yes. In my opinion the duties of the offices are quite separate and it would be inadvisable to have the same man in charge of both.

**Pandit Brijnandan Prasad Misra:** How long were the combined duties performed by one man in the past?

**Col. A. W. R. Cochrane:** I am not sure, but I think for about two years.

**The Hon'ble Rai Rajeshwar Bali:** As regards the suggestion which has been made by Pandit Nanak Chand I may point out that we agreed to this arrangement because the Medical Council insisted on us that this should be done. However, in deference to his views I am quite willing to consult the Medical Council again, and if they agree we shall combine the two posts.

**Pandit Nanak Chand:** In view of the assurance given by the Hon'ble Minister I do not want to press my motion.

Motion by leave withdrawn.

**Dr. Muhammad Naim Ansari:** I move that the demand of Rs. 2,150 in respect of the item regarding travelling allowance at page 80 of the detailed estimates be omitted.

Sir, this motion really refers to the previous motion of the abolition of the post of the office of Inspector-General of Civil Hospitals. I want to have this provision omitted because we cannot touch the Inspector-General's salary and it has been decided by the Economy Committee that this post is practically of no utility to the department. The Inspector-General of Civil Hospitals, who is supposed to be a specialist in certain diseases, is merely made to work as a clerk in office. His valuable services have been lost to the public and to the province. As we cannot touch his salary, which is a non-votable item, I have proposed the reduction of his travelling allowance. If his travelling allowance is omitted altogether, he will become a pure clerk and lose the luxury

[Dr. Muhammad Naim Ansari.]

of going about doing the work of inspection which it has been decided is of no benefit to the department.

**The Hon'ble Rai Rajeshwar Bali :** I have no desire to discuss this question on its own merits. I must, however, say that I do not agree with the honourable mover that the touring work done by the Inspector-General of Civil Hospitals is of no use. I do think that hospitals improve on account of his inspections and that he is brought in touch with the work of the various officers over whom he is exercising control.

I will confine myself to the position which I stated in reply to a question which was asked by my honourable friend, Pandit Bhagwat Narayan Bhargava. The position is that the reorganization of the Medical Services is under the consideration of both this Government and the Government of India. It will depend on the shape that the reorganization is going to take whether we need the office of the Inspector-General or not. Till that is settled, we cannot agree to the abolition of that office. Moreover, I may point out that when the Economy Committee recommended the abolition of this post, their idea was that all the sub-assistant surgeons could be transferred to the district boards. I do not believe that the honourable mover is of that opinion. In fact I think he is one of those who think that this service should remain as a provincial service. If that service is to remain as a provincial service, I do not know how this work can be done by the Secretariat or anybody else. In any case I think it is too early to decide whether this post should be retained or not or whether it should be combined with some other post or not. I hope the honourable member will withdraw his motion.

**Dr. Muhammad Naim Ansari :** I do not wish to withdraw my motion.

Motion negatived.

**Dr. Muhammad Naim Ansari :** I beg to move that the demand of Rs. 800 in respect of the item regarding hill journey travelling allowance and local (hill) allowance at page 80 of the detailed estimates be omitted. I do not see any reason why the office of the Inspector-General should go to the hills in the summer. I therefore propose that this allowance should be cut.

**Col. A. W. R. Cochrane :** The cost to Government on account of my going to the hills comes to nothing. I pay my own travelling allowance and other expenses. The sum of Rs. 800 represents the amount that is paid to my camp clerks and two peons and is made up of two items, namely, travelling allowance Rs. 300 and hill allowance Rs. 500. I admit that the hill allowance of Rs. 500 is rather too high, and am perfectly willing to reduce it by Rs. 150, if the honourable mover moves for its reduction.

**Dr. Muhammad Naim Ansari :** I wanted to know what necessity there was of the office of the Inspector-General of Civil Hospitals going to Naini Tal.

**The Hon'ble Rai Rajeshwar Bali :** As long as the Government goes to Naini Tal, that is the Executive Councillors and the Ministers, so long it is absolutely necessary in the proper discharge of work that the Heads of departments should also go there.

**Dr. Muhammad Naim Ansari :** Do all the Heads of departments go to Naini Tal ?

**The Hon'ble Rai Rajeshwar Bali :** At least the more important of them.

Motion by leave withdrawn.

**Khan Bahadur Maulvi Fasih-ud-din :** I beg to move that the demand of Rs. 7,29,454 in respect of the item regarding the salaries of military and provincial medical officers and apothecaries at page 81 of the detailed estimates be reduced by Rs. 80,000.

My object in bringing forward this motion is to show that we could curtail the expenditure considerably under this head if the provincial service of medical officers were given a fair chance of acting as civil surgeons. The present number of officers in the Provincial Medical Service who are holding permanent appointments as civil surgeons is only eight, while the number of officers in the Indian Medical department who are holding such appointments is 10. Out of a total of 25 civil surgeoncies intended for members of the Indian Medical Service, under the Reforms scheme the provincial medical officers ought to have 16, instead of eight, as against the 10 posts that are held by apothecaries, who are much less qualified than them. For these reasons I propose that a reduction of Rs. 80,000 be made.

**Rai Bahadur Thakur Hanuman Singh :** I move that the figure of Rs. 50,000 be substituted for Rs. 80,000 in the motion moved by the honourable friend, Maulvi Fasih-ud-din Sahib.

From the detailed estimates it appears that the number of military medical officers and apothecaries has been raised to 124 from 109 of last year. May I know the reason for this increase ?

Then comes the question of the increase of Rs. 81,931 under the head "Salaries," which to my mind is enormous. In this connection I wish to point out that when the question of the appointment of military medical officers and apothecaries on civil surgeoncies was raised on the floor of this House, the Hon'ble Pandit Jagat Narayan, the then Minister in charge of Medical department, stated on behalf of the Government that in future no such officers would be appointed as civil surgeons if they had not already officiated on civil surgeoncies prior to the introduction of the Reforms scheme. I want to know from the Hon'ble Minister whether that undertaking has so far been observed by the Government.

My another point is that there is a complaint that assistant surgeons on return from the war were not allowed to retain the military title of "Captain" or "Lieutenant" while their compatriots in the Indian Medical department were allowed to keep it, and all those who were in the military service they were counted as Indian Medical Service officers. Now members of other departments who went to serve on the front during the war time have been considered to have preferential claims for promotion and they got promotions. But those military assistant surgeons on their return have got no such preferential claims and they are treated as ordinary assistant surgeons. Besides this there are certain civil surgeons who object to their using the letters "I. M. S." after their names. This is very annoying to those gentlemen who at the risk of their lives went to the front and remained there

[Rai Bahadur Thakur Hanuman Singh.]

until the end of the war, specially when they are not allowed even this small privilege of using the letters "I. M. S." after their names and when they got nothing in return for their services even as a right to some preferential claim for promotion.

**Rai Jagdish Prasad Sahib :** I beg to move that the demand of Rs. 7,29,545 in respect of the item regarding military and provincial medical officers and apothecary at page 81 of the detailed estimates be reduced by Rs. 40,000. From a perusal of page 81 of the Detailed Estimates it is clear that it is proposed to raise the number of military and provincial medical officers and apothecaries by 15 and the amount for the next year which is proposed is Rs. 81,900 and odd more than the amount budgeted for the current year. I just want to invite the attention of the Government to increase the number of new medical officers by half of that proposed and reduce the amount budgeted for in consequence.

**Dr. Muhammad Naim Ansari :** I move that the demand of Rs. 7,29,545 in respect of the item regarding military and provincial medical officers and apothecary (Salaries) at page 81 of the Detailed Estimate be reduced by Re. 1. I want to bring to the notice of the Hon'ble Minister a few grievances of the Provincial Medical Service officers. One is about the question of civil surgeoncies. At present as compared with other provinces the Indian Medical Service officers predominate in this department. Sir, I will quote a few figures. In Bengal there are 14 Indian Medical Service Europeans and three Indian Medical Service Indians as Civil Surgeons. In Bihar and Orissa there are 11 European Indian Medical Service men and one Indian Indian Medical Service man as civil surgeon. In the North-West Frontier province there are six European Indian Medical Service and two Indian Indian Medical Service officers. In Bombay there are 13 European Indian Medical Service and six Indian Indian Medical Service, in the Punjab there are 11 European Indian Medical Service and seven Indian Indian Medical Service officers and in the United Provinces there are 11 European Indian Medical Service and not a single Indian Indian Medical Service officer as Civil Surgeon. The first point therefore I want to bring to the notice of the Hon'ble Minister is that he should bring to the notice of the Government of India this state of affairs and ask them to depute Indian Indian Medical Service men in the Provincial Indian Medical Service cadre. It is very undesirable that there is not a single Indian Indian Medical Service civil surgeon in the whole of the United Provinces. The second point is about the predominance of Indian Medical Department officers as a class and as civil surgeons. That will be clear from this table. In Bengal the total strength of Indian Medical department officers is 30 out of which only five are civil surgeons; in Bombay the total strength is 24 and only three are civil surgeons, but in the United Provinces the total strength is 20 out of which 11 are civil surgeons. This is a very high figure and it is therefore very unfair to the Provincial Medical Service officers. The third is that there are very frequent and unsystematic transfers of Provincial Medical Service officers. There is no system in grading the present strength of the Provincial Medical Service officers and no system of classifying stations in the United Provinces. It

depends on the will and wish of the office to transfer any Provincial Medical Service officer to any station they like without any reason.

I therefore think that there should be a system of transfers, the stations should be divided into certain classes according to the amount of work and practice there and the whole cadre of the Provincial Medical Service should be divided into some system in certain ways and an officer of a certain grade should be posted to a station of a certain class. That will minimize the work of transfers and will remove the very chronic grievance of the Provincial Medical Service officers against this department. The other grievance is with regard to the posting of Senior Assistant Surgeons. Some times they are posted to certain places on reserve duty practically under a very junior assistant surgeon in a way. It happens like this. A junior assistant surgeon is in charge of a station, and a senior man, who has been civil surgeon, is posted there on reserve duty and he has therefore to work under him. That system should be abolished. Sometimes it occurs that the assistant surgeon and the civil surgeon of a place are both transferred and the civil surgeon is placed on reserve duty at a place where the same assistant surgeon, who was under him, is given permanent charge. Then the other grievance is about the pay of the Provincial Medical Service. It was recently raised, no doubt, but still there is one great defect. Those Provincial Medical Service officers who are not promoted to the post of civil surgeon, have to work in dispensaries as officers in charge for the whole of their service and at present there are more than a dozen Provincial Medical Service officers who have put in from 20 to 30 years' service and they are still getting a poor pay of Rs. 500 as compared with officers of other departments. In the executive and judicial line an officer after 10 years' service gets about Rs. 500 and after 20 years' service he gets about Rs. 800, but an assistant surgeon after 30 years' service gets Rs. 500 only and has to retire on a low proportionate pension. I would therefore ask the Hon'ble Minister kindly to look into the matter and remove this very strong grievance which these people suffer from.

Another grievance is that there are stations with very small populations where Provincial Medical Service officers are posted, but there are other stations in the province with much greater population, say over 20,000, where there are only Subordinate Provincial Service men: for instance, Mussoorie and Amroha. These stations should be reserved for Provincial Medical Service officers.

Another grievance arises from a circular of the Inspector-General that Provincial Medical Service officers should write accounts and registers in their own hand writing. Provincial Medical Service officers in charge of dispensaries are practically meant to treat cases medically and surgically. If they have to do all this clerical work, it means that the time which they could give to the patients is practically lost. It is very unfair to entrust this work to these professional men; it can very well be done by an ordinary clerk of the civil surgeon's office.

Another grievance is about the casual leave to Provincial Medical Service officers. They are a very hard-worked class and have to be on duty practically 30 days in a month. In the Punjab the period of their casual leave has been raised to 30 days in the year. I therefore think that in this province too the amount of casual leave should be increased to 30 days in the year.

[Dr. Muhammad Naim Ansari.]

A further grievance is about the visiting charges of the Indian Medical Service people when a Provincial Medical Service officer is in charge of a station as civil surgeon. The plea put forward is that Europeans must have the aid of European medical men. Well it is all right; Europeans have their own choice and if they want European medical aid, they can send for a European civil surgeon from another station, but it is unfair to put European civil surgeons in visiting charge of stations where Provincial Medical Service officers are working as civil surgeons simply to relieve this complaint of the Europeans. It is quite contrary to the prestige of these highly qualified men.

One other point for the better control of this service is, and it is brought to the notice of the Government very often, that a Provincial Medical Service officer should be appointed as Under Secretary in this department because he has to deal with technical matters and a big class of professional men. An unprofessional man is not suitable for the post.

Another very chronic grievance is about the performance of major operations. Indian Medical Service civil surgeons do not allow a reasonable number of major operations to be performed by Provincial Medical Service officers, and if a Provincial Medical Service officer, who is well versed in surgery, takes the liberty of doing these operations, the only result is that a demi-official is written to the Inspector-General and the man is transferred at once. Unless the department issues a circular to this effect that three days in a week should be reserved for Provincial Medical Service officers to do surgical work, this chronic grievance will remain. To keep up the professional efficiency of these officers it is very essential that practically half of the operations should be performed by them.

Another grievance is about study leave in and out of India. Every facility should be given to these medical men to go on study leave. They must go to the Tropical School of Medicine, Calcutta, and out of India and those courses should be reckoned as post-graduate courses.

Another grievance is about the attendance of these medical men in the dispensaries. They have to work at present for seven hours. In Bombay the time of attendance has been reduced to five hours. It should be reckoned by civil surgeons and collectors according to the season of the year.

One particular complaint which I bring to the notice of the Inspector-General and the Hon'ble Minister is that the claims of Muhammadan M.B., B. S.'s are practically neglected. For the last five or six years not a single Muhammadan doctor has been taken in service. At present there are about 31 approved candidates for recruitment to the Provincial Medical Service, but out of them there is not a single Muhammadan, though during these five years many Muhammadan graduates have come out of the King George's Medical College.

**The Hon'ble the President:** Does Mr. Saifi's motion (No. 14) deal with Provincial Medical Service officers?

**Mr. Muhammad Aslam Saifi:** No, Sir. It is a different matter.

**The Hon'ble the President:** Is Pandit Nanak Chand's motion (No. 24) on the subject of Provincial Medical Service officers? I

merely conjectured that the motions of Mr. Saifi and Pandit Nanak Chand referred to this subject. The item is not specified in the notice.

**Mr. Muhammad Aslam Saifi :** I may explain that I want to touch the question of civil surgeoncies.

**The Hon'ble the President :** The right of Provincial Medical Service officers to civil surgeoncies? Is that the subject?

**Mr. Muhammad Aslam Saifi :** Yes, Sir.

**The Hon'ble the President :** That is what Dr. Ansari has been speaking about to some extent. The claims and grievances of Provincial Medical Service officers is the subject of Dr. Ansari's motion.

**Mr. Muhammad Aslam Saifi :** My motion is only nominal; may I move it or speak to the same motion?

**The Hon'ble the President :** The honourable member had better speak to the same motion.

**Mr. Muhammad Aslam Saifi :** Last year, when the medical budget was discussed, the question was raised by the honourable member for Meerut-cum-Aligarh as regards the 13 stations which have been reserved for Indian Medical Service civil surgeons. The Hon'ble Minister in charge of the Medical department had then told the House that he had already represented this matter to the Government of India which of course in due time will be communicated to the Secretary of State. I should just like to know as to how do we stand now, what reply has been received and what action does the Hon'ble Minister propose to take with regard to this matter.

I need not go into the details because some of the salient features of it were touched in last year's debate, but of course it was pointed out that both Colonel Turner, the then Inspector-General, and Mr. Muir—Mr. Muir specially—were of the opinion that the seats to be reserved for the Indian Medical Service civil surgeons in the important stations should only be five. I should just like to have this information from the Hon'ble Minister.

**Pandit Nanak Chand :** I wanted to draw the attention of the Hon'ble Minister to the cases of superannuated Indian Medical department officers. If he will kindly consult the Civil List, he will find that there are some officers of more than 30 years' service. The Government can under the Civil Service Regulations retire such officers. There are some, I am told, who have been in the service for about 40 years. I would draw the attention of the Hon'ble Minister to such cases of officers who have completed 30 years of service and I would request him to consider the cases of their retirement in order to enable members of the Provincial Medical Service to get into the civil surgeoncies thus vacated. Next I wanted to draw the attention of the Hon'ble Minister and to ascertain from him the position as to the constitution of Civil Medical Service as recommended by the Lee Commission. We are all aware, Sir, that the Indian Medical Service was in the first instance established as a military service for duty with the Indian Army. The Indian Medical Service officers have occupied most of the high posts in the Medical department and the claims of the civil medical officers have been subordinated to the claims of the Indian

[Pandit Nanak Chand.]

Medical Service officers. We know, Sir, that the recommendations of the Lee Commission have been given retrospective effect in the case of the Imperial Services including the members of the Indian Medical Service. We want to know, Sir, as to what is the position about the constitution of the Civil Medical Service which has been recommended to be formed by the Lee Commission in chapter III, paragraph 23 of their report and what steps are being taken in this respect by the Hon'ble Minister.

**Mr. Mukandi Lal:** If Mr. Desanges was present today it would not have been necessary for me to rise and join this debate, and I fear, as he has not moved his amendment, I will have to support the amendment of Pandit Nanak Chand, for different reasons.

**The Hon'ble the President:** I do not think Pandit Nanak Chand moved any amendment. He spoke to motion No. 13.

**Mr. Mukandi Lal:** I will in that case support Dr. Ansari's motion No. 13 for reasons which I will give you. One reason that I give for supporting this motion is that in calculating the rate of increase of the pay of the Indian Medical department I think the Medical department has been very hard on some of the medical officers. I have observed there have been some cases in which with the difference of only a couple of months or even of a few days, some Indian Medical department officers have been hit very hard. That is to say, their juniors by five or six years have got the higher rate of increment than these old officers who happened to be short by the way the scale of increment has been calculated and I hope therefore the medical department will make a note of it and redress the grievances of officers so affected. Another point I wish to urge is that, as we have already seen, we are here in this House championing the cause of the Medical officers. I do not know how far remarks like this are relevant or true. It has been said in very high quarters "In the medical spheres there is a disposition on the part of the Council to look askance at the Indian Medical Service and the dislike of the Indian Subordinate Medical department is unconcealed." The debate, this morning, gives the lie to statements like this. This Council has never looked askance at Medical department or services. Let me hope this statement was either a misrepresentation of the facts or was misunderstood by the judges who were sitting at the Reforms Inquiry Committee table. The other point I wish to press was pointed out by my friend Dr. Ansari. Is it not a sad commentary on the Medical department of our provinces that we have got only one Indian in the Indian Medical Service? I hope this grievance also will be taken into consideration. We know that the Medical department is one department in which our fellow-countrymen have distinguished themselves so eminently not only in India but in England as well. I know for a fact that 30 Indian doctors are practising in England where there is racial prejudice, but in spite of this they are doing very well as specialists in their subjects. Therefore there is no need for the Medical department to say that competent Indians are not forthcoming. There are a large number of Indians trained in European medical science and I hope that the Medical department will realize that it is high time that when we are crying for Indianization of services, the Medical department, which is one department which ought to be



Indianized before we think of Indianizing other departments, is the department which is least Indianized.

**Col. A. W. R. Cochrane:** A great many points have been raised here and it is not easy to know where to begin. I think if I tell the Council the number of officers in the various departments just now it will clear the way. There are nominally 25 Indian Medical Service officers as civil surgeons, but as a practical fact we have only some 16 or 17 on duty. The Indian Medical Service officers of these provinces are called for from other parts and we have some 17 working in higher posts and paid for outside the province. That leaves some 16 officers, and when the season opens this year there will be only 12 working as civil surgeons and in their places will be working Provincial Medical Service officers. These Provincial Medical Service officers have permanent civil surgeoncies to the number of 13, and practically there are always 19 men acting, and in this hot weather there will actually be about 25 or 26 acting. So Provincial Medical Service officers are not confined to 13 civil surgeoncies—there are always 19 to 20—and this hot weather they will actually be holding 26 civil surgeoncies. The Indian Medical department comprises, as was rightly said by Dr. Ansari, 20 appointments. Of these 11 are civil surgeons only. This number cannot be added to as the Council has resolved that no further Indian Medical department men will come into the province and that no Indian Medical department officers who have not been officiating will become civil surgeons unless qualified on the register. There are actually 2 outside Indian Medical department officers as civil surgeons who are qualified. Of the 11 there are three who are qualified. This number of 11 cannot increase and will gradually diminish. Reference was made to a difference of 15 under the head Medical Military Provincial officers. This 15 is apparent only. Not a single officer has been added. This shows a reserve of 15 which had been previously given under another head.

I am very glad indeed to hear my friend Mr. Mukandi Lal speak on behalf of the Indian Medical department. They have been ground down, in my opinion, all their hopes and aspirations largely done away with, and they are now a very discontented lot. A very small alteration in the budget, a sum of Rs. 18,000 a year, could remove their grievance, and I hope the Hon'ble Minister will be able to bring forth a supplementary budget to increase this amount, which will only give the Indian Medical department their due, and that their civil surgeons pay should be counted from the day they actually became civil surgeons. The most senior man is retiring next month. He is of 35 years' service. One or two more are retiring in the next year or two. So, they are a disappearing body, a body which, I think, commands all our sympathy.

As regards the number of Indian officers in the Indian Medical Service, this is not in this Government's hands at all. These officers cannot be asked for by name. We have to take what the Government of India say. But I may tell the Council that an Indian officer is arriving this week to take up work in the jails in the province.

As regards Provincial Medical Service transfers, Dr. Ansari said that there is no system of granting stations. No system will stand for a day. Applications are received for transfers from one station to another. I know which station is the best, most interesting and most lucrative,

[Col. A. W. R. Cochrane,]

and I do my best to put a round peg in a round hole. But no fixed arrangement can possibly be made.

The question of reverting officiating civil surgeons of Provincial Medical Service has been mentioned. It has been pointed out that those men have been put on reserve duty. This was done at their own request, and the only one which I know of was actually in Lucknow here. I think a little tact on either part will do away with any difficulty. In fact the difficulty does not exist.

The lot of senior Provincial Medical Service men who are receiving Rs 500 has been called attention to. But these senior men are one of two classes. Either they are men who are not very capable and have been passed over for civil surgeoncies; or on the other hand, they are capable men who have got large practices in out-stations and who have been posted to civil surgeoncies. I do not think the Council's sympathy is very much with either class. The keeping of records by Provincial Medical Service officers is having my attention. I do not think it is very pressing.

Visiting charge of stations by civil surgeons has been referred to, and the question of Europeans has been raised. There is no question of Europeans in that. If a junior man happens to be civil surgeon in the next station a near senior officer is given visiting charge of the station. But this is very rarely done. In fact, during my term of three years I have not appointed a single civil surgeon in visiting charge of another station. I am recommending one civil surgeon to a visiting charge, and he is not a European.

Dr. Ansari recommends that an Indian officer of the Provincial Medical Service should act as Under Secretary to Government, and in doing so he used the argument that for such a post a man with medical training is very necessary. I only draw attention to this because Dr. Ansari thinks that the Inspector-General of Civil Hospitals, who is a medical man, is not necessary for the proper running of the department. The question of reserving special days for operation by assistant surgeons has been considered and the opinion among medical men is against it. Taking the thing as a whole it would be detrimental in the interests especially of patients who come to the hospital and who have a right to demand the best attention from the hospital staff. Whether the civil surgeon is the best man or the assistant surgeon is the best man each will have to perform the operation. This is what is always done.

Study leave to Europe has been granted to the services on the same lines as to the Indian Medical Service. In connection with the study at the Calcutta School of Tropical Medicine it is merely a question of finance. This Government so far has been unable to find the money to send people there. Otherwise there is no possible objection to this. We wish to encourage study and I may tell the Council that this year we have actually three men put in for study leave to England from the Provincial Medical Service.

Now about the absence of Muhammadans in the approved list, I have not noticed this point. These candidates have always been placed on the list following definite principles, for example, their date of volunteering for active service,

I think these are all the points raised by honourable members.

**The Hon'ble Rai Rajeshwar Bali :** I wish to add a few more remarks in explanation of the points that have been raised. First of all I will deal with the position of the Indian Medical Service. My friend Dr. Ansari and Maulvi Fasih-ud-din Sahib said that in these provinces the Indian Medical Service predominated. To that I would only say that the number of I. M. S. officers recommended by the committee appointed in the year 1921 to recommend on medical matters has been practically accepted. These recommendations were sent to the Secretary of State and it was accepted that 33 Indian Medical Service officers should be kept here for civil surgeoncies and other appointments and nine more for leave reserve. As a matter of fact, instead of 42, the number we have at present is much less. So you cannot say that we are going back on the recommendations which were made by that committee. In fact we have fewer officers than were recommended by the committee. As to there being only one Indian Medical Service officer here, as has been pointed out by the Inspector-General of Civil Hospitals, that does not rest in our hands. Moreover, we have decided for the present that till the whole question of reorganization is settled, we are not going to ask the Government of India for any more Indian Medical Service officers, no matter whether Indian or European. So I think on this point the honourable members will be satisfied.

Now the next point that has been raised was about Indian Medical department officers. Rai Bahadur Thakur Hanuman Singh asked whether the undertaking that was given by my predecessor, Pandit Jagat Narayan, still holds good. In fact it does hold good, though in mentioning the condition he made a slight mistake. The undertaking was that in this province we would not take any more Indian Medical department officers, but that any Indian Medical department officers who were officiating or had officiated as civil surgeons will be kept on as civil surgeons and in future unqualified Indian Medical department officers would not be appointed as civil surgeons. The qualified Indian Medical department officers will have to take their chance. All this holds good today. I am glad that my friend Mr. Mukandi Lal has pleaded the cause of these Indian Medical department officers. I have been receiving representations regarding their salary, and as it appears that the House is more favourable towards them I shall endeavour to go into the question and bring such redress to them as is justified. A point has been raised that those assistant surgeons who volunteered for the war have not been allowed to keep their military titles. This is another matter which rests with the Government of India and it was at their instance that my predecessor decided that we cannot acknowledge these titles in official correspondence. Of course many of them do retain those titles in private correspondence, but that is not a matter for us.

Then, Sir, it has been said about the pay of certain Provincial Service Medical officers that even after 20 of 25 years of service they are still getting Rs. 500. I may point out that these cases are only of those who have been passed over. I calculated at one time that Provincial Medical Service officers get the civil surgeoncy in about 15 or 16 years' time . . .

**Dr. Muhammad Naim Ansari :** In 20 years.

**The Hon'ble Rai Rajeshwar Bali :** Normally in 15 years. However, it may be 15, 16 or 18 years, but when they get civil surgeoncy they start off with Rs. 600. If after 20 years' service they are still not civil surgeons it is for some other reasons. Therefore on this ground the Council should not complain that Provincial Medical Service officers are not adequately paid.

As regards a Provincial Medical Service officer being an Under-Secretary to the Government, this is at present more a question of the Secretariat arrangements than of the service. When we have to appoint an Under Secretary in future—at present we have no Under Secretary in the Medical department—this question will arise. At present it does not arise.

Then, Sir, reference has been made to the officers on the waiting list. This list was made about four or five years ago. This list contains mainly those officers who had volunteered for military service during the Great War. We are bound by our promise to take them as vacancies occur.

**Dr. Muhammad Naim Ansari :** One-third did not volunteer.

**The Hon'ble Rai Rajeshwar Bali :** I think all did volunteer. At least that is my information. Then it has been said that there are Indian Medical department officers of more than 30 years' service. A case has been brought to my notice. He is the seniormost officer and is retiring this month. I do not think there are any other points which have been raised.

**Pandit Nanak Chand :** What has the Hon'ble Minister to say about the constitution of the Civil Medical Service as recommended by the Lee Commission ?

**The Hon'ble Rai Rajeshwar Bali :** I said in my opening speech that that is a matter which is under correspondence with the Government of India.

**Pandit Nanak Chand :** Have the recommendations of the Lee Commission regarding Indian Medical Service been given effect to with regard to pay and allowances ?

**The Hon'ble Rai Rajeshwar Bali :** Yes. Other matters are still being considered. This is the case in all other services.

**Pandit Govind Ballabh Pant :** What are the views of the Government in respect of the recommendation of the Lee Commission relating to the reconstitution of the Medical Services where they say that though some posts should be provincialized they are still to be recruited by the Secretary of State.

**The Hon'ble Rai Rajeshwar Bali :** We have forwarded our recommendations to the Government of India. I do not think I can disclose the correspondence.

**Pandit Govind Ballabh Pant :** Will the Hon'ble Minister note that the Council is against that recommendation ?

**The Hon'ble Rai Rajeshwar Bali :** Yes.

The amendment of Rai Bahadur Thakur Hanuman Singh was put and negatived.

The motion of Khan Bahadur Maulvi Fasih-ud-din was put and negatived.

**Chaudhri Sheoraj Singh :** I beg to move. That the demand of Rs. 89,653 in respect of the item regarding the salaries of establishment clerks at page 81 of the Detailed Estimates be reduced by Rs. 1,000. The honourable members will find on page 81 of the Detailed Estimates that under Establishment clerks the budget estimate for 1924-25 was Rs. 88,258 and the budget estimate for the present year is Rs. 89,653, i.e. there is an excess of about Rs. 1,400. I therefore move this motion for reduction.

**Col. A. W. R. Cochrane :** The small excess is due to the increments of the clerks.

Motion by leave withdrawn.

**Rai Bahadur Thakur Hanuman Singh :** I beg to move that the demand of Rs. 47,800 in respect of the item regarding travelling allowance at page 81 of the Detailed Estimates to be reduced by Re. 1. I wish to bring to the notice of the House and the Government the fact that the travelling done by the civil surgeon is not so beneficial to the country as it was some years ago. Six or seven years ago the Civil Surgeon used to go into the interior of the district and he used to see in his camp patients from villages. He used either to give prescriptions himself or to direct the patients to go to the sadr or some nearer dispensary. At the same time they used to see how the vaccinators and sub-assistant surgeons were doing the work and whether the people liked them or not. Nowadays the Civil Surgeons keep motor cars and after taking their breakfast they tour from the sadr dispensary to the end of the district. They ask the vaccinators to keep the children on the roadside. This is a source of great trouble to the parents as well as to the children who are vaccinated.

As regards the actual inspection, I may say that it does not take a civil surgeon more than five minutes to do it. He just goes into a dispensary, casts a glance at the instruments in order to see whether they are properly kept, and returns to the headquarters with the inspection book. There he makes an entry and returns the book to the dispensary. It is for a work of this kind that the Government has to pay a civil surgeon about Rs. 20 or Rs. 30. A civil surgeon also does inspection with a view to make mileage. If he has not got a motor car, he takes an ekka in order to earn a little money. I know it for a fact that most of the sub-assistant surgeons in charge of travelling dispensaries enjoy their time at places other than those they are expected to remain in. When they come to know through a chaprasi or somebody else that the civil surgeon is coming to their dispensaries on a certain date for inspection, they rush into their stations. I submit, Sir, that travelling of this kind by the civil surgeon is neither conducive to the good working of the branch dispensary nor profitable to the people of the village. I hope that the Government will take steps to see that the civil surgeons perform their duties properly and remunerate the public for the money they make.

**Col. A. W. R. Cochrane :** The honourable member has laid a very grave charge against a lot of senior officers. I do not think he was at all very serious when he made it. He has possibly seen one case and has generalized from it.

**Rai Bahadur Thakur Hanuman Singh :** No, I have seen about half a dozen cases.

**Col. A. W. R. Cochrane :** But he has not made any complaint so far to the department. I hope next time if he sees such a case he will do so.

The honourable member, it seemed to me, was raking up the past when he was speaking about the value of a civil surgeon in the district. Times have now completely changed. We have begun to enlist a better class of officers, who are keenly alive to their responsibilities. Perhaps the honourable member does not know that the touring of officers has now been discouraged. The officers themselves like nothing more than tent life. They will welcome a change to the old conditions, but I do not think that it is at all advisable to introduce it. There is, indeed, no tent allowance at present except in Garhwal.

As regards vaccination, it is no longer the duty of civil surgeons. They simply inspect the vaccinations and dispensaries wherever they go. The question of vaccination off the main roads is now in the hands of the Health department.

Motion by leave withdrawn.

**Dr. Muhammad Naim Ansari :** I move that the demand of Rs. 4,521 in respect of the item regarding non-contract telephone charges at page 82 of the Detailed Estimates be omitted.

These telephone charges are not very clear and I want to know what for these charges are put for telephone when there is another item of telephone charges in the same department.

**Col. A. W. R. Cochrane :** These telephone charges are for the installation of telephone in 15 districts in hospitals and at civil surgeons' residences. If the honourable member wants to know the names of districts I can give them.

**Dr. Muhammad Naim Ansari :** No.

Motion by leave withdrawn.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** I beg to move that the demand of Rs. 47,118 in respect of the item regarding contingencies at page 82 of the Detailed Estimates be reduced by Rs. 21,533.

If honourable members will turn to page 82 of the Detailed Estimates they will find the item of non-contract contingencies, in which are included two items. One is "rents" and the other is "petty construction repairs." They will find that under the item of "rents" the sum which is budgeted for the next year is much more than the sum which was budgeted for the current year, that is in place of Rs. 1,560 the sum is Rs. 2,160 and for "petty constructions and repairs" Rs. 26,813 has been budgeted for in place of Rs. 2,237. Sir, in the memorandum at page 47 it is stated that the higher provision of 25, under petty construction and repairs is due to a transfer from the Public Works budget, but I cannot find details of these petty construction and repairs anywhere. I looked at the appendix which is attached to the memorandum but even then there is no detail of these repairs. At the same time I find that Rs. 2,237 were budgeted for in 1923-24; but now they are budgeting for a sum of Rs. 26,813 for which I find no details nor any reason why such an increase has been made. So is the case with rents,

There is no reason shown anywhere why there is an increase in that item. I want to know whether these items are very necessary and indispensable. If it is so I will not press my motion, otherwise I hope the Hon'ble Minister will find his way to accept the cut which I have suggested at the time of such financial stringency.

**Col. A. W. R. Cochrane:** The small increase under head rents is for the residence of the Civil Surgeon of Bijnor, increase in the other item of Rs. 26,813 is merely on account of the transfer of the increased amount from the Public Works department budget in connection with the reorganization of the Public Works department. There is no increase at all whatever.

**Maulvi Muhammad Obaid-ur-Rahman Khan:** I want details.

**Col. A. W. R. Cochrane:** I have no details available here.

Motion negatived.

**Babu Bhagwati Sahai Bedar:** I move that the demand of Rs. 1,14,000 in respect of the item regarding reserve provincial subordinate medical officers at page 82 of the detailed estimates be reduced by Rs. 14,000.

Sir, there is an increase of about Rs. 9,000 under the head if we compare it with the revised estimate of 1924-25 and there is an increase of Rs. 14,000 if we compare it with the budget estimate for 1924-25. I wish to know what this increase is due to. Again, if we see into the total of medical establishment we find that there is an increase of Rs. 55,400 since last year. I hope the Hon'ble Minister will let us know what this is due to.

**Col. A. W. R. Cochrane:** This item relates to reserve provincial subordinate medical officers and the increase is due to the fact that this unfortunate service is now bereft of all its junior officers. Some years ago we had 623; they are now reduced to 470 and it is within this number that we have to arrange for a reserve of 25 per cent. We have budgeted for a reserve of 100 at Rs. 95 per month and this is the lowest pay an officer gets. All the junior officers have been discharged and those who are on the reserve have to be taken from the lower ranks. This is the reason for the increase.

**Babu Bhagwati Sahai Bedar:** Why is this large reserve being maintained?

Motion negatived.

**Dr. Muhammad Naim Ansari:** I move that the demand of Rs. 1,14,000 in respect of the item regarding salaries of reserve provincial subordinate medical officers (detailed account) at page 82 of the detailed estimates be reduced by Re. 1.

I want to bring very briefly to the notice of the Government two or three grievances against this department. The first is that the new system of disintegration and deprovincialization has affected this department very adversely. About 125 junior officers have been dismissed, and the present arrangement rather affects the knowledge, qualifications and capabilities of officers because expert supervision has been removed on account of these officers working under the boards.

The second grievance is that there are two selection grades in the department. In other provinces there is only one. That affects this

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service rather adversely. I therefore recommend that there should be only one selection grade.

The third grievance is that this service is very poorly represented on the United Provinces Medical Council and the State Board of Medical Examinations. There is only one representative of the service on these bodies, but there should be at least two considering the strength of the service. At present there is practically none because the man who was on the board has been promoted to the Provincial Medical Service and his resignation should be accepted. The service should now be informed to select two representatives.

Another grievance is about women medical licentiates. Their pay, promotion and pension are on the old scale. Their scale should be brought up to the scale of men medical licentiates. This service should also be given facilities for study leave.

**The Hon'ble Rai Rajeshwar Bali:** As I said in my introductory speech, this question of sub-assistant surgeons is a very difficult one. On the one hand the district boards contend that as this service is paid by them it should be controlled by them. A resolution to this effect was passed by the District Boards Conference that was convened by me in November last. They say: "It is we who pay, why should we not control it?" We have been trying to insist that we cannot hand over the present incumbents, who were recruited in and form part of Government service. It is true that a number of them had to be discharged; but they were all under four or five years service. This discharge was necessitated by two reasons. In the first place it was decided by the Government some years ago that such a large number of travelling dispensaries was not needed for epidemic purposes, and so they have been brought down from 65 to 36. For the same reason the district boards too were given the option either to continue them or to close them down and in the latter case the Government would pay to them its part of the expenditure over these travelling dispensaries as a sort of grant. The result was that we found fifty-eight sub-assistant surgeons in excess on account of travelling dispensaries alone. Then we found that a number of them were thrown on us, because the district boards decided to close a number of unimportant dispensaries, as they could not pay them at the higher rate of pay. It will be asked why we raised the scale of pay of these sub-assistant surgeons to this extent. Well, that was done at the insistent demand of this honourable House. If the honourable members will refer to the proceedings of 1921, they will find that quite a number of questions were put in support of this demand and that a resolution was moved in December, 1921, by Rai Ravinandan Prasad Bahadur. Also the Advisory Committee appointed in 1921 recommended that their salary should be raised and it was in deference to these wishes that the Government raised their pay. Now this is pressing very heavily on the district boards. They urge that they can get men with better qualifications, or at least equal qualifications, on lower rates of pay. Therefore they have been pressing that all sub-assistant surgeons under ten years' service and over twenty years' service should be discharged. The Government could not agree to this recommendation and what they have done at present is that a reduction of fifty-one officers has been accepted, and this along with the



reduction of fifty-eight officers due to the closing down of the travelling dispensaries has resulted in the discharge of a hundred and thirteen officers of the most junior grade. I am glad that quite a number of the representatives of the district boards are present in this House today, and I hope they will bear me out in the statements I have just made. I have explained the circumstances under which these P.S. M.S. were discharged and it is for them now to support me in this action, which was mainly actuated by them.

**Dr. Muhammad Naim Ansari :** What about the pay of the female medical licentiates ?

**The Hon'ble Rai Rajeshwar Bali :** I do not think you mentioned it.

**Dr. Muhammad Naim Ansari :** I did mention it. There is the grievance that they are getting low pay.

**The Hon'ble Rai Rajeshwar Bali :** I quite agree with the honourable member that they are getting very inadequate pay. My attention was drawn to this matter, but unfortunately they are recruited, not by us, but by the Lady Dufferin Fund.

**Dr. Muhammad Naim Ansari :** What about the selection grade ?

**The Hon'ble Rai Rajeshwar Bali :** The scheme as in force today was accepted by Pandit Jagat Narayan three years ago on the recommendation of the Advisory Committee and unless a case is made out, I do not think it will be advisable to alter it.

**Dr. Muhammad Naim Ansari :** In Bengal, Madras and Bombay there is only one selection grade, here there are two.

**Pandit Govind Ballabh Pant :** I only wish to cite one or two facts that will go to a certain extent to bear out what the Hon'ble Minister has just said. As one intimately connected with one of the district boards, I think that what the Hon'ble Minister has stated is correct to a very large extent. The feeling in the district boards is that the medical staff when it is placed entirely under the control of the civil surgeons does not care as much for popular opinion or for the good of the public in the locality where a dispensary may be situated, and consequently there is a desire that the medical staff should as far as possible, be placed under the control of the district board, and subject to the civil surgeon only in such matters as come within the scope of that officer as a medical officer ; that so far as the administrative aspect of the question is concerned, the board who pay the money should have an effective if not an ultimate voice, and I am one of those who hold that this opinion is correct. From my own experience I can say that medical officers not being under the control of the district boards do not care much for the opinion of the—locality not generally but at least in some cases—and it would be a wholesome reform.

The second point relates to the salary. As to that a difficulty has arisen on account of the increased rates. In our own district board we are spending more than Rs. 50,000 over the pay while we get a grant of only about Rs. 4,000 from Government. It was not possible for us to maintain all the dispensaries that we had when our resources were restricted. We were forced to close up some dispensaries because it was not possible to find the money. On the one hand we had to pay almost double the pay and, on the other hand, our funds were so limited that we could not find money for the dispensaries. I think it is absolutely necessary that the contribution that we pay to district boards for

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this purpose should be considerably raised in order that they may be able to maintain the dispensaries, whether they be indigenous or allopathic. In any case I think it should not be assumed that the members of this House are against the proposal that the medical services should be brought in closer contact with the district boards which should be given an effective voice in matters administrative.

**Dr. Muhammad Naim Ansari :** I do not want to press the motion. I only want a reply about the representation on the Board of the Medical Council.

**Col. A. W. R. Cochrane :** This matter has been represented to the Medical Council and to the State Board on more than one occasion, and the members of the State Board have not seen their way to agree to the proposal. I personally have asked to have it brought up again to the State Board at the next meeting and I hope we will be able to increase the number by one on that Board.

Motion by leave withdrawn.

**Lala Mathura Prasad Mehrotra :** I beg to move that the demand of Rs. 13,63,900 in respect of the item regarding medical establishment at page 82 of the detailed estimates be reduced by Re. 1.

**The Hon'ble the President :** The voted amount is actually only Rs. 9,30,200.

**Lala Mathura Prasad Mehrotra :** Then, Sir, I substitute Rs. 9,30,200 for Rs. 13,63,900. The object of bringing this motion is only to draw the attention of the Hon'ble Minister to one or two points, but before I go into them I want to submit that on page 81 the number of military and provincial doctors has been raised from 109 to 124.

**The Hon'ble the President :** We have already dealt with that subject.

**Lala Mathura Prasad Mehrotra :** I will not say anything about the subject, Sir. I wanted to say this much only that when sending the budget to the Finance department it is necessary for every department to attach an explanatory note and I am sorry Mr Blunt is not here otherwise I would have requested him to put in three or four words explaining the item whether it has been transferred or is a new one. If it is done it would save a lot of the time of the Council and a number of motions that are brought before this House would not have been brought at all. Sir, the first point to which I want to draw the attention of the Government is this, that there are no infectious diseases hospitals in this province. In all other civilized countries we have such hospitals

**The Hon'ble the President :** The next sub-head deals with hospitals and dispensaries.

**Lala Mathura Prasad Mehrotra :** May I draw the attention of the Government to it now or not ?

**The Hon'ble the President :** You may, when we come to 32-B.

**Lala Mathura Prasad Mehrotra :** Sir, we know that throughout the whole year we are visited either by small-pox, plague or cholera and it is very difficult for the middle class people.

**Pandit Brijnandan Prasad Misra :** I don't think the honourable member heard what the President said.

**The Hon'ble the President :** I said that we would deal with hospitals and dispensaries under 32-B.

**Lala Mathura Prasad Mehrotra :** I leave it then. Then, Sir, I wish to draw the attention of the Government to the sub-assistant surgeons.

**The Hon'ble the President :** We have dealt with sub-assistant surgeons at great length.

**Lala Mathura Prasad Mehrotra :** Then I will speak on the hospitals later on.

**Pandit Govind Ballabh Pant :** I want to say a few words on this motion so that it may be adopted. I only want to strengthen the hands of the Hon'ble Minister in respect of the question that I put to him when I inquired whether Government had recommended that the medical services when provincialized should be placed under the control of the Minister and the Legislature. He was unable to give any answer. We insist on it that the medical service should be completely provincialized and in order to strengthen his hand I ask the House to adopt this motion.

**The Hon'ble the President :** Does the honourable member wish to withdraw his motion ?

**Lala Mathura Prasad Mehrotra :** Yes, Sir.

**The Hon'ble the President :** Is it your pleasure that the motion be withdrawn ?

Objection being raised to the withdrawal of the motion, it was put and agreed to.

**Thakur Sadho Singh :** I beg to move that the demand of Rs. 2,11,901 in respect of the item regarding hospitals and dispensaries at page 83 of the detailed estimates be reduced by Rs. 20,000.

I have to emphasize the same thing which has already been said, namely, that the mufassil hospitals and dispensaries should be brought directly under the administrative control of the district boards. Even now, many of these doctors, though efficient, care more for official prestige and official support than for their professional ability or popularity. People in rural areas find it very difficult to call them, and even if they do their expense is prohibitive. I brought one of the instances to the notice of the Hon'ble Minister some months ago. It is almost prohibitive for an ordinary man to pander to the wishes of these civil assistant surgeons. On account of great expenditure on these officers and dispensaries, no care is being taken to provide Ayurvedic and Unani dispensaries for large populations—far larger than those which are assisted by these dispensaries. Although these officers are alleged to be efficient, still they cannot hold their own against fairly efficient Vaidas or Hakims. They have got two strong crutches. They get fairly big salaries and at the same time they have to distribute free medicine. Even then they clamour for promotion and larger pay. Government wants that more of similar so costly dispensaries should be encouraged. This means that the vast majority of the population would remain indirectly deprived of the benefits of medical relief for long. I would therefore request the Council to accept this nominal cut of Rs. 20,000.

**Babu Bhagwati Sahai Bedar :** My motion relates to the diet of nurses and patients. It is my experience, Sir, that in these mufassil hospitals the nurses do justice to the whole diet of the patients. So I wish that their diet should be set apart or their pay be raised in accordance with the diet provided for them out of this fund and this diet should be spent exclusively for the patients.

**Thakur Manjit Singh Rathor :** I want to draw the attention of this House to a very tragic incident that took place some time in August last year in a little corner of the province, I mean Dehra Dun, district Mussoorie. Probably honourable members of this House are aware that a certain health officer of that place, Dr. Lubeck, who was health officer in the municipal board.

**The Hon'ble the President :** This demand is for mufassil hospitals and dispensaries. I have every sympathy with the object of the honourable member. But he must find some other place for it. Mussoorie will be very annoyed if it discovers that it was classed under mufassil dispensaries. It seems that the proper place for raising this question would be under grants to hospitals and dispensaries.

**Thakur Manjit Singh Rathor :** I have no objection to this.

**Rai Bahadur Thakur Hanuman Singh :** I desire to speak on the motion of Thakur Sadho Singh without moving my own motion. In the detailed estimates I find a provision for mufassil hospitals and dispensaries. These hospitals and dispensaries are those which are being run by Government without the aid of district or municipal boards. Such hospitals and dispensaries appear to me to be very small in number. These are generally in the headquarters of districts and in this connection I wish to say that they are specially intended for those who live in urban areas. They are of very little use to the people in rural areas. From the detailed estimates I find that the district boards have to pay certain contributions towards these dispensaries which are at the headquarters of districts. Only those villages which are very close to the municipalities are benefited by the services of the assistant surgeons or civil surgeons. The only service which a civil surgeon renders to the rural population is the inspection of the vaccinated children and the inspection of the branch dispensaries. This service, of course, entitles the dispensaries to some contributions by the district boards, but not to such big contributions as the district boards are made to pay for the maintenance of the dispensaries at the headquarters of the district.

Now, Sir, I come to another point, i.e., the contribution to district boards by the Government.

**The Hon'ble the President :** We are not dealing with that point yet.

**Mr Zahur Ahmad :** The object of my motion is to invite the attention of the Hon'ble Minister in charge of the medical department to the fact that there is a prime necessity of having a large number of dispensaries and hospitals in the mufassil, specially the big towns which are under the Town Areas Act. My experience is that at most places where the mufassil dispensaries are located, they are located in the headquarters of tahsils and most of these tahsils are either situated near a railway station or at some places which are really accessible to the district authorities and not at central places where the people of the tahsils may very easily reach. There are big towns and villages having

great population, but the dispensaries attached to the headquarters of tahsils are so far off from these towns and villages that it is very difficult for the people of those towns and villages to reach the dispensaries and to get any benefit out of them without some inconvenience. I know the cases of Sorson, Phulpur, Karchana and Sirathu and other tahsils in the district of Allahabad and the dispensaries at those places are attached to tahsils which are far away from the main towns and villages which are largely populated, that the inhabitants find it rather difficult to reach there for treatment. I therefore want to draw the attention of the Hon'ble Minister that an effort should be made that those dispensaries which are already in existence should be located at some convenient places in the tahsils where people may get the greatest possible benefit out of them.

The second point to which I want to draw the attention of the Hon'ble Minister is that if new dispensaries are going to be opened in any district or tahsil the location of these dispensaries should be decided after consulting with the member of the Council of that constituency and the members of the district board of that constituency and also the members of the panchayats. It should not be left only to the discretion of the tahsildar or of the sub-divisional officer. The former gentlemen will be able to give best possible advice as to where the dispensaries should be located in order that the people may be benefited by their existence.

The third point that I want to suggest is this, that in rural areas there is still some sort of prejudice existing against the allopathic medicine and it will be really far better, and at the same time more economical, if Unani and Ayurvedic systems are introduced in these dispensaries, or only Unani or Ayurvedic dispensaries are opened at first. These are the three points to which I invite the attention of the Hon'ble Minister and hope that he will be pleased to take effective steps regarding them according to my proposal.

**Mr. Mukandi Lal:** In this connection I wish to add that at Lansdowne, which is the headquarters of one of the sub-divisions of Garhwal, there are one or two Indian station hospitals for the military, but there is none for the civil population. The people find it difficult to get relief from the military hospitals and the district board is unable to open a hospital of its own. In such cases I would like to know what steps the medical department proposes to take.

**Pandit Govind Ballabh Pant:** I want to refer to only one or two points. The first point is that there has been the idea of the provincialization of certain dispensaries situated in the mufassil. I know that in some presidencies the proposal has been adopted and it is one as to which the Government must consider whether it is desirable that some of the dispensaries situated in central places such as Naini Tal, where the municipality is burdened with the expenditure, though the benefit is not derived by the residents of that place alone, are not worth being taken over by the Government. Even if the Government do not take them over, is it not desirable that an increased grant should be made to the municipalities so that they may maintain them as model institutions?

The second point that I want to suggest to the Hon'ble Minister is that in addition to the district board or sadar dispensaries various

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departments such as the forest and canal departments, and so on, have got their own dispensaries. The number of dispensaries has gone down from 655 to 632, but the number of departmental dispensaries has been raised. I ask whether it would not be better if the departments were to work in co-operation and co-ordination with the medical department, so that the dispensaries that are opened may meet the needs of the public as well as of the departments. I hope the Government will look into the matter.

**The Hon'ble Rai Rajeshwar Bali:** I will deal first with the point raised by Thakur Sadho Singh. So far as I could make out his idea was that we should spend more on Ayurvedic and Unani systems and we should not encourage the opening of allopathic dispensaries. If that was his intention, I join issue with him. I have no objection to the opening of more Ayurvedic and Unani dispensaries; in fact we have already allowed this in the case of district boards. But I am convinced that it is equally necessary that we should try to provide more and more allopathic dispensaries also. The needs of the rural population cannot be served by the small number of allopathic dispensaries that we have got at present, no matter how many hakims and vaidas we may succeed in establishing in rural areas. To take one well-known instance. The surgical cases cannot be treated by hakims and vaidas. Under the circumstances I hope the honourable member will not oppose the proposal to open a small number of allopathic dispensaries.

My honourable friend, Mr. Bedar, has stated that diet intended for patients is generally consumed by the nurses in hospitals. I should like to point out that there are only three Government hospitals in the province where nurses have been provided; they are in Allahabad, Roorkee and Agra. May I inquire from him if he has been to any of these hospitals and seen things for himself? In any case, we have not heard of any complaints on this score, and if the honourable member will point out any cases where such a thing has occurred, I shall be glad to inquire into them.

My honourable friend, Rai Bahadur Thakur Hanuman Singh, has referred to the fact that dispensaries which are situated in urban areas, but which also benefit the people of rural areas, should really be a charge for the district boards. On this subject we have already issued orders by which the cost of such dispensaries will be proportionately distributed between the district and the municipal boards.

Mr. Zahur Ahmad has urged that before a dispensary is opened or closed in a particular tahsil, the tahsildar or the sub-divisional officer of that place should not be consulted. I may point out to him that the opening or closing of a dispensary lies with the district board, and the tahsildar or the sub-divisional officer has nothing to do with it.

**Mr. Zahur Ahmad:** What about consulting the members of this Council?

**The Hon'ble Rai Rajeshwar Bali:** I wonder if the members of any district board would tolerate intrusion by members of this honourable Council.

Lastly, Sir, Pandit Govind Ballabh Pant has referred to the question of the provincialization of these hospitals and the grant of increased

subsidy to them. This question, as a matter of fact, is already engaging the attention of the Government ; and but for the paucity of funds, the Government would themselves have either provincialized certain hospitals or granted subsidies to them. Further, the honourable member stated that treatment at the dispensaries maintained by the forest, canal and other departments should also be extended to people who do not belong to those departments. I think such a practice exists already, where the number of patients belonging to the department concerned, is not large. I shall, however, look into the matter further.

The motion of Thakur Nado Singh was put to the Council and negatived.

The motion of Babu Bhagwati Sahai Bedar was put to the Council and negatived.

The motion of Mr. Zahur Ahmad was, by leave of the Council, withdrawn.

The Council then adjourned for three-quarters of an hour.

After the adjournment the Deputy President took the Chair.

**Thakur Manjit Singh Rathor:** I move that the demand of Rs. 1,23,195 in respect of the item regarding hospitals and dispensaries at page 85 of the detailed estimates be reduced by Rs. 100.

Sir, as I mentioned some time ago, I want to draw the attention of this Council to the tragic incident of the death of Dr. Lubeck in Mussoorie last August. I think most, if not all, of the honourable members are aware of the circumstances in which this health officer of Mussoorie city board met his death. This gentleman was suffering from appendicitis and was under the treatment of the civil surgeon of the place. He advised Dr. Lubeck to leave his home and to go to St. Mary's European Cottage Hospital immediately. Accordingly Dr. Lubeck was taken from this place to that hospital and all arrangements for an operation upon him were made. In fact the body of the patient was washed and the instrument were sterilized and he was put on the table for the operation and when the operation was going to take place the honorary secretary and others in charge of the hospital held a consultation and they decided at that critical time and at that critical stage of his life to turn this man out of the hospital.

[A voice :—"Shame."]

**Thakur Manjit Singh Rathor:** I think this is a matter of shame, as an honourable member here points out. Hospitals and dispensaries are not institutions like police thanas or law courts where red-tapism should govern everything, and I think that in institutions like hospitals and dispensaries the element of sympathy and the element of humanity should predominate in the administration of these bodies. But we find that his only fault was that he happened to have a black pigment in his skin. Nothing could have been more cruel than his removal at that critical stage of his life. He was accordingly removed to another hospital which was at considerable distance. In the process of his removal the abscess burst and the man met a premature end. I think, Sir, we pay to this hospital an annual grant of Rs. 4,000. We must refuse this grant unless we see that those who constitute the board of management of the hospital revise their rules. Sir, I do not know of any hospital in this province where Europeans as such are not eligible for treatment. In

[Thakur Manjit Singh Rathor.]

all hospitals and dispensaries all sorts of people can go whether they be Europeans or Indians. I do not know of any dispensary in any part of this province where Europeans are not admitted whether it may be a charitable dispensary or a non-charitable dispensary. I know of a hospital in my district, namely, the Coronation Hospital, which is supposed to be meant for Europeans and to which the municipal board of the city to which I belong gives an annual grant of Rs 2,000. But there were certain restrictions on Indians taking advantage of this hospital. We felt that those restrictions had to go and they did go. Our board before the management of the hospital assumed an attitude of reconciliation, reduced the grant and gave it to an Indian hospital. My point is that unless we bring pressure, probably they are not going to change the rules. I gave notice of a number of questions with regard to this matter some time ago, but on account of some reason or other these questions were not admitted and some of the important questions are these:—

“Is it a fact that the by-laws of the hospital are so framed as to deprive Indians of taking advantage of the hospital?”

“If the answer is in the affirmative, will the Government kindly state if there is any hospital in Mussoorie or elsewhere in United Provinces receiving Government aid where Europeans are ineligible?”

“If the answer is in the negative, will the Government be pleased to put before the Council a copy of the bylaws?”

“Will the Government take steps to get the by-laws so modified as to enable all persons prepared to pay a prescribed minimum of fees to be eligible for admission without distinction of colour and nationality?”

Racial distinction is the chief point why I have brought this motion before this House. It is no use crying over spilt milk. Dr. Lubeck cannot be brought to life, howsoever we may sympathize with him and his family, but we want that this small grievance should be removed, and if this is not removed I think I shall be justified in saying that we are not doing our duty by the people and by the country. Sir, I need not again point out that such rigid and such iniquitous interpretation of the rules is really most inhuman. In fact, any urgent case, whether it is of a European or an Indian, whether it is of a prince or a peasant, whether it is of a pauper or of a man rolling in riches, ought to be treated in any hospital and this should be the spirit in which these hospitals ought to be run. I have got before me the case of a certain European lady. She is only a nurse. She says:—“I am a nurse and I wanted to be treated in that hospital.” She is after all a working lady and is not a lady of very great means. She should have been given the benefit of a poor lady and treated free according to the rules. She was told that she would have to pay Rs. 6 per day since her brother happened to be a gentleman of position with a fairly big salary. This lady did enter the hospital and she found that in any case even by a rigid application of the rules she was not bound to pay more than Rs. 2. However, when this matter of Dr. Lubeck came up, she wrote from Srinagar in Kashmir to the convener of the public meeting of protest against this affair about her case, saying that this hospital, which is claimed to be meant for the poor class of Europeans, does not even satisfy the requirements of the poor class of people.



I will say nothing more about this matter. I will only point out that these people, the honorary secretary and others, who are responsible for the management should have shown courtesy as medical men should to a fellow medical man who was dying or who was almost hovering between life and death. They ought to have shown that courtesy. I want to know what steps the Government have taken to refer the matter to the British Medical Association as to the conduct of these men. Some time ago, I was travelling and in the same compartment in which I was there was a fellow-passenger who happened to be a high European officer in the department of Public Health. He was also a victim in that train which was surrounded by the floods near Moradabad. We had a talk about several matters and in the course of that talk we discussed this case of Dr. Lubeck. He told me that probably the Government would refer the matter to the British Medical Association, so that these men would at least be known for having disregarded even ordinary courtesy, to say nothing of medical etiquette. With these words I put this motion for a reduction of Rs. 100 from the demand of Rs. 2,11,901.

**Mr. H. David:** This is a scandalous affair. At the time this incident was noticed in the papers I could not possibly understand that an inhuman heart could have been found at Mussoorie to turn this dying patient out from the European Cottage Hospital. The story is certainly a very sad one. It appears to me that at Mussoorie this hospital is ostensibly for Europeans. I do not know how that inhuman policy of excluding a dying patient, a Christian after all, and turning him out when he was on the operating table to die very soon after could be followed there. I am very glad to support this. I am really very sorry. I hope no European member of this Council will have the heart to oppose this motion. They all profess themselves to be Christians and if there is anything in Christianity it is this that they should always be kind towards the sick. There was a time I know when even at Allahabad Indians were not treated in the European Civil Hospital, in fact sometimes driven away, but better counsel has prevailed since a year and I find that Indians are admitted not only as outdoor patients, but indoor patients also. I find that at Naini Tal in that famous Ramsay Hospital an Indian Christian was also admitted.

**Dr. Shafa'at Ahmad Khan:** One only ?

**Mr. H. David:** One at least to my knowledge. Well, I hope this cruel counsel is not universal. I think Mussoorie must be an exception. If we had any power, we would like not simply to whitewash the affair but to actually punish the man responsible for this inhuman act. I understand that the district board contributes Rs. 4,000 for the maintenance of this hospital.

**Thakur Manjit Singh Rathor:** The United Provinces Government contributes Rs. 4,000.

**Mr. H. David:** The United Provinces Government. I wish the Government could have the courage through the Minister to stop this grant unless the authorities mend their way and open out the hospital for such emergent cases at least. The blood of that man will rest on the authorities of the hospital and they deserve at least condemnation at the hands of this Council.

**Col. A. W. R. Cochrane:** It is a very sad case indeed. It has received a lot of my consideration and the consideration of the Government. There is, however, no use proceeding to exaggerate or to misinterpret things. The patient was conveyed from this hospital to a nursing home about 200 yards distant. The abscess did not burst *en route*; it was opened subsequently. I have all the papers, the correspondence with the civil surgeon and others. The question of nationality was never raised. The patient's pay was Rs. 650 a month and the rule said that nobody with a salary of over Rs. 600—I think the figure was Rs. 600—would be admitted. That was the sole cause of disagreement between the civil surgeon and the secretary and one or two other members of the committee of the hospital. We now style these European hospitals, where it is allowed, as hospitals for European-style living patients.

**Mr. H. David:** The patient was brought up in England and he had an English way of living.

**Col. A. W. R. Cochrane:** I would repeat the question of nationality never arose. It was purely a matter of pay. The question of colour arose at a subsequent meeting; it was never raised at first, it was brought in at the subsequent meeting. Of these European hospitals, there are two or three in the province and they never refuse patients on account of their being Indians. The Ramsay Hospital is an example. This year it took in an acute case of appendicitis and it was operated on and treated. The patient was an Indian from the bazar. Indian members in service have been treated; other Indians have also been treated. At Bhowali we have a European ward; Indian members are treated there. We have these hospitals for European-style living patients, the only reason being that European-style living means that the patient is not allowed to have any one staying with him; he is looked after by a nurse from the hospital, no friends or relatives are allowed to stay with him as in the Indian-style and he is served from the same kitchen. But I think we might well ascertain from the authorities of this hospital at Mussoorie if they are willing to style their hospital in the same manner, making it contingent upon the grant which the Government gives. If they are, we should have no objection. The rules have all been put in order now and I have studied them very carefully. A sub-committee of the hospital is being formed. This month there is going to be a meeting of the committee and all the rules which were the subject of disagreement between the civil surgeon and the hospital authorities will now be amended.

**Mr. Mukandi Lal:** I want to know if the Government has suggested to the committee the amendment of the rule which is so hard and fast, and which has involved the death of one doctor, the rule which lays down that persons drawing more than Rs. 600 should not be allowed to enter the hospital as patients. So far as I understand the rule, and it is true that there is such a rule, it lays down that persons drawing more than Rs. 600 should not be allowed. As it has been urged on behalf of the Government that in this case the unfortunate man happened to be drawing only Rs. 50 more, I want to know whether the Government has suggested to the committee to amend this rule, and whether they are going to do so. The Council knows that it must be a very callous heart that protects persons like that under the pretence of a rule. What we

suggest is that the Government should refrain from giving this hospital any grant unless that rule is amended. It is a question not of colour, I know it is a rule. Another instance has been given by my honourable friend, Thakur Manjit Singh, where a European nurse was refused admission. So it is no question of race, but of a rigid rule, observed by a callous heart with a racial bias. Do you think, Sir, it is human to send away a patient at the point of death from a hospital on the ground of a rule being violated by an excess Rs. 50 in his pay?

**Dr. Ganesh Prasad :** There are three questions that arise in this connection and I want a very clear and complete answer to each of them. The first is:—Is it true or not that this patient was placed on the operating table and was practically going to be operated upon when at the last moment for some reason or other, whatever that reason may be, the operation was postponed and he was turned out? Is that true or not? I want a plain answer to that. If it is true, it is a disgrace to this Government. Whatever the reason, there was a man who was put on the operating table and it was thought fit to operate upon him and just at that time, at the last moment, it was decided for some reason or other that that man should not be operated on there. If that is true then it is a disgrace to the authorities of the hospital. Now the second question is:—Has anything been done to those men who were responsible for this callous and brutal treatment of Mr. Lubeck? Has Government done what any self-respecting Government would have done? That is the second question. The third question is whether the Government is going to tolerate this kind of treatment of Indians in future? That is a question of policy. It may be the case today of an Indian Christian, it may tomorrow be the case of a Hindu, or it may be the case of a Muhammadan, or the case of anybody who is not white—it may be the case of a West Indian. Certainly it was not a cat or a dog which was going to be operated upon—in America even dogs are dealt with with greater care and probably with greater humanity. These are the three questions, and I think the Hon'ble Minister in charge of hospital owes it to us who are his colleagues and his own countrymen to give a clear answer to each of these questions, and if we are not satisfied with the answer then I would request my friends here to press the motion to a division and pass it as a vote of no confidence in the Minister.

**Mr. Muhammad Aslam Saifi :** My honourable friend, Dr. Ganesh Prasad has anticipated me by putting forward that question. In fact the Inspector-General of Hospitals advised the mover of this amendment not to indulge in exaggeration and to state nothing but the facts. I was listening most attentively to the speech of the Inspector-General, but I did not find anything in it to show exactly what the actual state of affairs was. In the newspapers a good many allegations were made. Did the Government, as the Inspector-General says it engaged his consideration as well as the consideration of the Government, issue any *communiqué* on this matter to satisfy the public that the matter as related in the press was entirely wrong? When it is alleged that the patient was put on the operating table and it was discovered at that moment that it was contrary to the rules to operate on him in that hospital, it is alleged that the patient died on the way to the next hospital—we do not know, the Inspector-General of Hospitals did not tell us as to what actually took place, as to when Dr. Lubeck died. Was he

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operated on, as he says the abscess was opened, when did he die—after how long? What was the effect of his going to that hospital and in that critical condition being removed? The various members of this House have characterized this action of the authorities of the hospital as inhuman and callous and so on, but I am prepared to say that it was nothing short of unnatural. I would, therefore, like to have a better explanation from the Government.

**Mr. G. B. F. Muir:** It seems that a statement of some facts may now clear the air. The first question put by Dr. Ganesh Prasad was whether it is or is not true that Dr. Lubeck was placed on the operating table of the European College Hospital. I cannot give an exact answer to that. All I can say is that he was prepared for operation. Whether he was actually on the table or not I cannot say.

[Voices of—“Did Government make no inquiries?”]

We can make this particular inquiry if desired. Until today no one has suggested that Dr. Lubeck was actually placed on the operation table. Mr. Saifi has asked when Dr. Lubeck died. He reached the hospital at 1.15 on the 1st of August. It was just after he arrived that the objection was raised by the secretary and private doctor. He was removed and I think he was operated on about 4 o'clock that same afternoon. There was a delay of three and three-quarter hours of which the actual removal may have been responsible for two hours. I quite admit that that delay may have made all the difference, but it did not amount to more than two hours. Dr. Lubeck died of heart failure at 4.25 on the afternoon of the 3rd August, that is, two days later. Dr. Ganesh Prasad's second question was: What has been done by the Government to the people who were responsible. The people responsible are private individuals, the hospital is a private one.

[Voices of—“Receiving a grant from Government?”]

Yes—receiving a grant-in-aid from Government of Rs. 4,000 a year. It is not possible for Government to do anything to private individuals.

[Voices—“Can't you stop the grant?”]

We can stop the grant. The Government consider that this unfortunate incident was in the main due to the defective rules which did not give the civil surgeon, as medical officer, real control over this hospital. They allowed the committee too much power. That view has been pressed on the committee, as explained by the Inspector-General, and various modifications have been suggested, which have been accepted. The committee has gone further and made modifications beyond what we actually suggested.

Dr. Ganesh Prasad's third question was: Will the Government tolerate such an affair in the future. The answer is No. We consider that the incident could not have happened if the civil surgeon had been in complete control of his hospital. He will be in complete control in future, and so long as he is in complete control there can be no danger whatsoever of any man, of whatever race or pay, being turned away from that hospital when his admission is an urgent matter, and that is the answer which I wish to give to Mr. Mukandi Lal. He wants the rule about the rate of pay to be amended. We have not suggested the amendment of that rule. So far as I remember, the committee themselves have

raised the limit of pay, but we do not consider that an amendment of the rule is necessary, because we feel that the civil surgeon can be trusted to work the rules in the right way. In a case like this, he will certainly admit the patient, even though under that rule he is not strictly admissible.

**Nawab Muhammad Yusuf :** I rise to show my full sympathy with the motion made by Thakur Manjit Singh and I endorse every word of what has been said by my friend, Dr. Ganesh Prasad, but I am afraid there is one point which I am bound to take exception to. He has somehow confused the issues—he seems to think somehow that the Minister can be held responsible for this delay which has taken place in communicating his strong disapproval of the conduct of the authorities concerned. I hope he really means to censure those directly responsible and not the Minister, who, I am sure, will leave no stone unturned and will do his best to bring the people concerned to book and also censure them as strongly as possible, and if it is thought by the Council, that the grant should be stopped for this institution, I am sure he will have no hesitation whatsoever in doing so. With these words I want to make it clear to the House that if we do carry this motion it will not be with a view to censure the Minister, but with a view to censure those who are primarily responsible for it.

**The Hon'ble Rai Rajeshwar Bali :** I myself greatly regret the circumstances which led to the premature death of Dr. Lubeck and join every other members of this House in the expression of sorrow and resentment. I had an inquiry made into the matter and it will be found from the statements of the Secretary and the Inspector-General of Civil Hospitals that we did all we could under the circumstances. We have revised the rules, and we are insisting that if these rules are not accepted by the committee we will certainly stop the grant. I learn that the committee has accepted the rules, and that these are going to be placed before the society for confirmation some time this month.

**Mr. H. David :** Would you kindly indicate the lines on which the rules are to be amended ?

**The Hon'ble Rai Rajeshwar Bali :** Yes. The main purpose is that the civil surgeon would be the executive officer of that hospital, and in emergencies like the present one he will be the sole authority.

**Dr. Ganesh Prasad :** Who will decide which is an emergent case because the civil surgeon is not there ?

**The Hon'ble Rai Rajeshwar Bali :** He will be there. He lives in Mussoorie. We are making the civil surgeon solely responsible in such cases.

**Mr. Mukandi Lal :** What will happen if the civil surgeon is callous ?

**The Hon'ble Rai Rajeshwar Bali :** We can take any action we like against the civil surgeon if he chooses to be callous. In this case the difficulty was that the members were not under us and we could not take any direct action against them. All that we could do was to tell them : "If you want a grant from Government you must submit to the control of the civil surgeon. If you submit to his control we will give you this grant, otherwise we will not." But the case of the civil surgeon is entirely different. We can take any action we like against him because

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he is entirely and directly under us. I hope that with this revision of the rules things will not only improve but they will be put right.

If there is any other point on which any honourable member wants any more elucidation I shall be glad to explain.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I was sitting at my table, and I admit that I was not aware of anything; but when my honourable friend the member for Dehra Dun mentioned it I confess that it made for a moment my blood boil in my veins. I entirely agree with my honourable friends opposite, and I wish to assure them that the feeling of my colleague and my own are exactly the same as those of other members of this House on this particular point. As my colleague has just said, we are going to change the rules, so that such a thing may become impossible in future. The committee has agreed to the changes, and they have placed them before the society. But we may give this assurance to the House now, that if they are not going to confirm these rules we will certainly stop the grant. We are not going to give grants to any such hospital which is so callous and indifferent to the lives of the people. I hope this assurance will be enough to satisfy the honourable members.

**Mr. Govind Ballabh Pant :** It is unfortunate that an incident of this character should have happened, especially in the medical line where the main function of those who are connected with the department is the protection of human lives and the alleviation of human suffering. If it was callousness on the part of the police we could have understood it; if it was indifference on the part of the executive we could have taken it as part of their nature. But here we are concerned, not with any particular departmentalism but with the question of human life, with its sanctity, with its purity and, above all, with this, that once it is lost it can never be regained. So far as that particular patient is concerned, the greatest drawback lies in this that it is not in the hands of this Council or of any individual here to remedy the mischief. The point that is now relevant is this : whether it is proper that certain hospitals should be reserved for any particular classes, when the other hospitals are open to all classes and to all grades of people. The second question that arises in this connection is this : admitting the existence of such a rule whether the Government is prepared to admit the supremacy of pedantry over humanity, whether the fact that a rule justifies a certain conduct is enough defence for a man whose misdemeanour has resulted in the death of a human being. Well, the Secretary does not seem to accept my view of the thing. If it is not so, then I submit it is much more callous than . . .

**The Hon'ble Rai Rajeshwar Bali :** He does not say that he does not accept.

**Pandit Govind Ballabh Pant :** If he accepts my view then what I put to the Government is this : Whether their humanity was shocked or not when they received intimation of this incident.

[A voice :— " Yes. "]

**Pandit Govind Ballabh Pant :** In case it was, whether the grant was stopped forthwith. If they had not donethis' it is there that they have failed. I hold that immediately the information reached

Government and after they had satisfied themselves that it was a case of inhumanity, as gentlemen entrusted with the protection and honour of the subjects in this country it was their duty to communicate their strongest and most emphatic disapproval of the conduct of the Secretary and other persons connected with that institution in as solemn a manner as they possibly could and to couple with that the further warning, the definite and solemn determination of the Government not to continue the grant, and in case there was any money in their hands at the time to withhold it.

**The Hon'ble Rai Rajeshwar Bali :** The grant was already made and for this year we have made this condition. We have proposed drastic changes.

**Pandit Govind Ballabh Pant :** I do not in any way question the sympathy of the Ministers with the man whom we cannot restore to life. I do not in any way question their determination to stand by us in case such an incident happens in future—All the same I state with all the emphasis that I can command that the moment information reached them it was their duty to tell the manager of the institution that their grant would cease and that they would not get anything thereafter. If after that they had received an assurance from them, they could have come to the Council with a full statement of the case, placed that before the Council and then said "The matter is now left to the Council. So far as we are concerned we have taken this step against them by way of disciplinary measure." The duty rested with them of showing the reproach on the part of the Indian people as such for such misconduct on the part of the manager of that institution. I do know that they have made or at least are contemplating to make the continuance of this grant conditional on the compliance of the committee with certain rules that have been framed.

**The Hon'ble Rai Rajeshwar Bali :** We are doing so now. It was not done at that moment.

**Pandit Govind Ballabh Pant :** It was right and proper to send them an emphatic and definite instruction and to inform them that no grant would be made. I do know that every word that has fallen from the Hon'ble Minister of Industries has come from the bottom of his heart. I know that his blood is boiling as much as that of any other member, but it is not a question of whether feeling is as strong as it ought to be. The question is as to whether the action that was taken at that time was spontaneous and prompt as it ought to have been. However, I am prepared to take this view of the thing that the motion, carried, need not reflect on the Government.

**Dr. Ganesh Prasad :** May I just make one remark? I think that the assurance which has come forth from the Government is not unsatisfactory. It is quite satisfactory as far as I am concerned: I am quite satisfied with the assurance which, I think, ought to satisfy the Council.

**Khan Bahadur Maulvi Fasih-ud-din :** I had no intention of speaking on this subject, but I find that this question has excited a good deal of enthusiasm and I consider it my duty to say just a few words. It goes without saying that every one of us in this Council feels, and feels very strongly, over this tragic affair. We all agree, whether officials or non-officials, that the affair has been a very sad one and also agree with the

[Khan Bahadur Maulvi Fasih-ud-din.]

extreme remark of one of us that the action of the authorities of the college amounts to murder. But at the same time I think that when our wishes have been respected by the Government and when a clear assurance has been given to us that the aid to this institution would be stopped as a sort of punishment and when the honourable member who raised the point of passing a vote of censure on the Hon'ble Minister has withdrawn his remarks on receiving an assurance, I think it will be a great mistake on our part to press this motion to a division; as, if it is once pressed to a division and if there is one dissentient voice, it will lessen the force of the wishes of the Council and it will not look so serious a matter as it would otherwise do. I will therefore advise most strongly the honourable mover of this motion to withdraw his motion. During my experience of about a year and a half in this Council I find that this is the one point on which the Government has surrendered so implicitly and on which the Government has shown agreement to follow the wishes of the House to the very letter.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** There is no doubt that everyone is sorry for the incident which has taken place. Every member of this House has sympathy with what has happened. There is no doubt that it has been an inhuman incident and everyone condemns it. At the same time one thing has taken place. From the replies we have received from Government I gather that the Government has done its duty. The Hon'ble Minister has taken proper steps and has given us an assurance that the committee has been asked to make rules which will prevent such occurrences in future. In such circumstances I do not think it proper that the aid to the hospital should be refused.

**Pandit Govind Ballabh Pant :** Will the Government withdraw or discontinue the aid in case this motion is withdrawn? It will be open to them to come before the Council for a supplementary estimate.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** In case they amend the rules, it is not proper to stop the aid.

**Pandit Govind Ballabh Pant :** My suggestion is not that the aid should be stopped permanently. What we want is that the Government should stop the aid for the present and when they see that proper amends have been made they can come forward with a supplementary estimate and explain the position to the Council. If the Council is satisfied, we can renew the aid. Therefore all that I want is that the aid should be kept in abeyance and the advice of the Council should be sought again.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** I hope that the Government will show its displeasure to the institution and will tell the committee that this act of inhumanity has caused a great grievance to all members of this House and therefore they ought to be careful in future and that they should make such rules that such mistakes do not occur again. When the Hon'ble Minister has given an assurance that proper steps have been taken, I think it would be inhuman on our part to stop the aid.

**Rai Bahadur Thakur Hanuman Singh :** The Hon'ble Minister has very expressly stated that in case the rules framed by the Government are not accepted by the managing committee of the hospital, the Government



will stop the grant. Under the rules the civil surgeon of Mussoorie will be the supervising officer of the hospital. To my mind it is quite enough punishment to those who have been so cruel to the patient. I think no further condition should be imposed

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I crave the indulgence of the House to allow me to speak a second time. I think it is not the wish of the honourable members that those who are benefiting from that hospital should be deprived of all the benefits because some people have proved callous to the life of a certain person. I understand that the wish of the House is to show their disapproval of the behaviour of the few persons concerned. Had they been our own men we would have sacked them, but the difficulty is that they are private persons. Therefore the only thing possible for us is to tell them that unless and until they change their rules so that no man is deprived of the benefit of the hospital when he is in a critical condition their grant will be stopped. Now, what I wish to submit to the Council is that unless and until they change the rules and give us an assurance that such a thing will never happen again, we are not going to pay them a single sou. I hope this assurance will satisfy the honourable mover. If, however, the present motion is carried, it will cast a reflection on the Minister. It will show that the honourable members of this Council have no confidence in him. If they have, where is the harm in letting him have the money? As my honourable colleague has stated, not a single pie will be given out of it to the institution unless they give us an assurance of the nature indicated by him.

**Thakur Manjit Singh Rathor :** In view of the assurance given by the Hon'ble Minister, I beg leave of the Council to withdraw the motion.

Motion by leave withdrawn.

**Babu Bhagwat Narayan Bhargava :** I beg to move that the demand of Rs. 1,53,195 in respect of the item regarding contribution to district boards at page 83 of the detailed estimates be reduced by Re. 1.

My object in bringing forward this motion is to draw the attention of the Government to the fact that they are not at present giving sufficient money to the district boards for medical aid in rural areas. From a rough calculation it will appear that out of the total expenditure incurred by the district boards on this head, the Government contribute about four or five per cent. only. For example, the Naini Tal district board spends Rs. 50,000 a year on the dispensaries under its charge, while the Government only contributes Rs. 4,400 per annum. In the case of Jhansi district board also, the Government contribute about Rs. 1,300 or Rs. 1,400 out of a total expenditure of Rs. 33,000. Consequently, unless and until the Government make a substantial grant to the district boards, they can hardly claim that they have placed medical aid within the reach of the poor villagers in the rural areas.

In the next place, I should like to submit that whether or not the posts of sub-assistant surgeons are provincialized either today or a few months after, the district boards ought to be given full control on their servants. They pay the full amount of

[Babu Bhagwat Narayan Bhargava.]

the salary of a sub-assistant surgeon and still have no control whatsoever. In the case of an assistant surgeon they contribute Rs. 212 per mensem towards his pay. They have also to bear the pay of the compounders and even over them they have not full control, and in fact they have to bear all expenses of the dispensary. They have not the power to even transfer a sub-assistant surgeon from one place to another within their jurisdiction of the district. The Hon'ble Minister referred to two schemes which he was proposing to introduce during this year and which he said would be of considerable benefit to the people. I am not so sure of their success as he appears to be. I should, however, like to suggest to him that the intention of his schemes would be just as well realized if he makes substantial grants to the district boards. Besides, these boards, which are supposed to have got local self-government, ought at least to be allowed complete control on their servants. For the present it is a government without any power or control in the medical and veterinary departments at least.

**The Hon'ble Rai Rajeshwar Bali :** The honourable member who has just spoken has referred to two or three matters.

One related to the inadequacy of our grants to the district boards for medical purposes. That statement, I submit, is substantially correct. The Government has not been able to make larger grants to the boards, because the money that was available to us has been mostly spent on education. Unless our finances improve, the honourable member will realize that it is impossible for us to increase our grants to district boards for medical purposes.

Next, he has referred to the fact that assistant surgeons, sub-assistant surgeons, and compounders in the service of the district boards are not actually under the control of these boards. We tried to work out a system by which it could be possible to distribute the control over them between the chairman of the district board and the civil surgeon, who, it must be admitted, must remain the chief medical officer of the district. We agreed on this system with the committee that was appointed by the District Boards Conference but some technical difficulties have stood in our way. But for these the medical rules would have been published by this time. I think these are the only points which have been referred to by the honourable member.

**Pandit Govind Ballabh Pant :** I want to invite the attention of the Hon'ble Minister to certain figures under this head. If he will be pleased to refer to the budget he will find that contributions to district boards stood at Rs. 1,75,000 in the year 1923-24, but it has gone down to Rs. 1,53,195, whereas their own expenditure over the hospitals and dispensaries managed by the Government in the mufassil has gone up from Rs. 1,78,000 to Rs. 2,11,000.

**The Hon'ble Rai Rajeshwar Bali :** "What page?"

**Pandit Govind Ballabh Pant :** Page 83. The item regarding mufassil hospitals and dispensaries clearly shows that the expenditure has gone up on account of the rise in wages and prices. They have not been able to maintain their dispensaries with the amount which they used to spend until 1923-24. That should have naturally induced them to raise proportionately the grants to district boards. Contrary to that they

have reduced the grants to district boards and still the Government and those who are holding very responsible position come down upon district boards and point the finger of scorn at them for not continuing to maintain the same number of dispensaries as they did some years ago. I do not know how they can expect district boards to do so. I suggested last year that it is absolutely necessary that funds should be provided for this purpose and in case the Government has not got money in its hands it should go in for a loan or take other steps through which money could be secured, but this main object should not in any way be defeated. I would ask the Hon'ble Minister to reconsider the position and to say if it is not absolutely fair and just and necessary that the grants to district boards should be raised to at least double the amount in comparison to what is provided here. About the district board of Naini Tal in particular I would ask him to look into our medical budget and the amount which the Government has been providing. I would also ask him to let us know what amount has been provided for Ayurvedic and Unani dispensaries so far as the grant-in-aid is concerned. Whether these dispensaries are or are not being helped by the Government and if not whether it is not necessary that after the resolutions passed by this Council some sort of provision should be made for them too. In connection with the statement made by the Hon'ble Minister that some money was being set apart to assist persons to set up dispensaries or to settle in rural areas, I have to make one suggestion and it is this. Whenever any sort of assistance is given to these men so that they may settle in rural parts, the Government should also see whether it cannot give them something by way of loan or grant to that they may be able to set up dispensaries too, for unless they have got some funds and get some sort of aid from the State they cannot be in a position to keep a good stock and a good amount of medicines and also appliances and instruments with which to render surgical aid.

**Mr. Muhammad Aslam Saifi:** I am not aware of the main cause of the reduction of the amount of grant reserved for district boards, but before I lend my support to the suggestion of the honourable mover of the amendment I should like to know what the district boards themselves have spent upon hospitals under their charge out of their own revenue. Another point has been raised and that is of giving complete control to district boards over their servants, including doctors and compounders. I am afraid I cannot support the honourable mover in that direction and I am in entire agreement with the Hon'ble Minister that if control over this highly technical service is given to the district boards, the result would be that in many cases favouritism would be exercised and that would act very adversely on the administration of hospitals. As regards the suggestion of the honourable leader of the Opposition as to the Government giving certain grants for the purpose of building new hospitals provided district boards are going to build them, I support him. I could not quite follow the Hon'ble Minister when he explained the two new schemes in this connection, but what I understood from him was that if any district board wants any support in building a new dispensary the Government would be prepared to give half the amount of what the district board is prepared to spend.

**The Hon'ble Rai Rajeshwar Bali:** I shall refer to one point only which has just been raised by Pandit Govind Ballabh Pant. He says that we have reduced the grant to district boards from Rs. 1,75,000

[The Hon'ble Kai Rajeshwar Bali.]

to Rs. 1,53,000. This is not a fact. Rupees 1,53,000 is the recurring grant that we give to the district boards for this purpose. I cannot say exactly how it came to Rs. 1,75,000 in that particular year, but it must have been due to some non-recurring grant being given for some special purpose to special hospital. As regards the increasing of this grant I am always ready to do so if I can. There are so many demands on the purse that if we . . .

**Pandit Govind Ballabh Pant:** Just get a lakh or two out of the police budget.

**The Hon'ble Rai Rajeshwar Bali :** I would gladly, if I could do it. Moreover, any money that is available has to be distributed in the order of importance of the various beneficial objects.

Motion by leave withdrawn.

**Thakur Shib Narayan Singh :** I move that the demand of Rs. 3,600 in respect of the item regarding grants-in-aid to London Missionary Society at page 84 of the detailed estimates be reduced by Re. 1.

The honourable member in an Urdu speech said that he knew that there were *dais* provided in cities, but what he wanted was that *dais* should be made available in villages also.

**The Hon'ble Rai Rajeshwar Bali :** I could not follow how this item referred to *dais*. The items referred to the grant-in-aid to London Missionary Society.

**Thakur Shib Narayan Singh (in Urdu) :** I thought that this society was composed of *dais*.

**The Hon'ble Rai Rajeshwar Bali (in Urdu) :** With regard to the training of *dais* we are giving a certain fixed sum. Lady Chelmsford League gives a grant for the training of these *dais*. The amount has been increased by ten thousand this year. There is arrangement in every district hospital for the training of *dais*.

Motion by leave withdrawn.

**Nawab Muhammad Yusuf :** I beg to move that the demand of Rs. 90,000 in respect of the item regarding assistance to indigenous system of medicine at page 84 of the detailed estimates be reduced by Re. 1.

I move this motion with a view to bring to the notice of the Hon'ble Minister this insignificant sum of Rs. 30,000 which has been allotted for the indigenous system of medicine. I do not know how far this thirty thousand will carry this system. I should also like the Hon'ble Minister to make a statement as to the items on which Rs. 30,000 will be spent. I should like him also to indicate any policy, or programme, or scheme that he may have to lay before this House. Some time ago we heard about a committee which was going to be appointed to investigate into this question, but that has sunk into oblivion and we do not know what has happened to it. I do hope that the Hon'ble Minister will give serious consideration to it.

There is one more point to which I should like to draw the attention of the Hon'ble Minister and that is about the way in which the Indian apothecaries palm off rotten medicines to the public. I hope some steps would be taken to remedy this evil also.

**Khan Bahadur Maulvi Fasih-ud-din :** I just wish to say a few words about the allopathic and unani systems of medicine. This Council, I find, has sung many a song in connection with the grievances of many departments, but I am sure that I can say without contradiction that the tenor of this song in connection with the failings of the medical department has been the failure of the Government to recognize fully the systems of treatment known as ayurvedic and unani. India has passed through so many phases. It has seen its days of sunshine, its nights of darkness, but it has always remained wedded to these two systems. It is the wave of European civilization that has brought this allopathic system and for this reason these two old, old, systems have been totally neglected, although the public at large has tenaciously adhered to them. I think it is high time now for the Government to see its way to come out with an open mind and to recognize these two systems of medicine, as they fit in so well with the conditions of the poor people of India and with their modes of living.

**Mr. Muhammad Aslam Saifi :** As has been remarked by my honourable friend Nawab Muhammad Yusuf, the sum reserved for grants-in-aid to indigenous systems of medicine is insignificant, but I do hope that the Hon'ble Minister in charge of this department when he allotted this insignificant amount for this purpose did not mean that he held the indigenous systems also as insignificant. What I want to know from the Hon'ble Minister is whether out of this sum any grants are to be made to institutions such as the Takmil-ut-Tib of Lucknow and the George Unani dispensary of Gorakhpur. I informed the Hon'ble Minister that the unani dispensary at Gorakhpur has spent quite a large sum in building a very good hospital costing about fifty thousand rupees. They also supplied medicines free to 28,000 people last year. It is a pity if no grants are made to institutions of this kind out of this allotment. I hope the Hon'ble Minister will be able to enlighten the House as to what amount he has reserved for these two special dispensaries. As has already been pointed out, the amount is much too small in order to encourage the ayurvedic and unani systems. Some money is, I think, given to the municipal boards by the Government provided an equal amount—perhaps less than that—two-fifths is provided by the municipal board. The Government provide three-fifths. But because the funds are not quite enough I think many municipal boards have not been able to take advantage of this. At the same time I will not be surprised, as I suspect that the whole of this allotment in the current year has not been spent. So I should like the Hon'ble Minister to answer these questions.

**Dr. Muhammad Naim Ansari :** Last year in the debate on the same subject of indigenous systems of medicine I showed in detail the effects of the ayurvedic and unani systems. I am myself a great admirer of these indigenous systems of medicine and it is my earnest wish that Government should take very effectual and early steps to remove the defects which are present in these two systems and thus to popularize them and bring out a fair number of good *hakims* and *vaid*s to go out into the country specially in the rural areas and treat the poor people there. Laymen lay great stress simply on the supply of certain medicines in diseases, but the larger questions which affect the curing and preventing of diseases are practically neglected. I shall have to speak on this question later on when the demand of Public Health comes up,

[Dr. Muhammad Naim Ansari.]

At present I only wish to show that the money that is spent by this Government in treating the sick is very small. The total practically comes to one anna per head per annum. The Government spends one anna for treating one man in this province in the year. and the total number treated is one in nine, that is, out of nine only one man receives medical aid. The result is very poor and the statistics of public health are very poor. Unless this indigenous system is brought on to modern lines and a good number of *hakims* and *vaids* spread all over the country, the Government cannot cure the defects in the treatment of disease. All the honourable members have laid stress that *hakims* and *vaids* should be supplied, but they do not think how to remove the defects of these two systems. Simply giving aid to the present institutions is not removing the defects and bringing them on to modern lines. A committee was appointed—I do not know what the committee has done, whether the results of their investigations and the methods they have adopted to remove the defects of the two systems and to bring it on to modern lines have been out. But I will suggest one thing which is the only remedy to remove the present defects. The Government should depute two *hakims* and *vaids* or one *hakim* and one *vaid* who has completed his courses of these two systems and who is a graduate of the science and a graduate of the Medical College, to Europe to study chemistry and pharmacy. Both these doctors or *hakims* or *vaids* should go there and study for three years those two courses and come back and the Government should make two Chairs in the medical college to investigate the materia medica of *vaids* and *hakims* and these two qualified chemists and pharmacists should investigate those medicines on modern lines. This is the proper and suitable plan for modernizing these two old systems. One thing I have to bring to notice, that the unani system is receiving practically no aid at all and there or so many institutions in Lucknow which are doing very good work—to do something is better than to do nothing—they should receive some help at least. To mention one, the Takmil-ut-Tib, in this budget there is no item which shows that that college is receiving any help from Government.

**Babu Bhagwati Sahai Bedar :** I will be very short and brief. What I wish to bring to the notice of the Hon'ble Minister is that although the London Missionary Society is being granted aid of Rs. 3,600 I do not see any reason why no grant is given to *sewa samitis*. I heard that this society is in a roundabout way making propaganda for conversion into Christianity of persons holding other religions. They say "No" this society is something like the *sewa samiti*. Sir, I feel stronger still in asking why *sewa samitis* have not been granted anything. My second point is that the famous Indian medicines *ma-ul laham* مائل لحم and *asab* آساب are treated like excisable articles and the excise department encroaches on the liberty of *vaids* and *hakims* and say that they should obtain licences for manufacturing them. It is suggested that since alcohol is dear these days, these medicines are being substituted for liquor, but I must tell you that liquor can be obtained for Rs. 10 per bottle at the most, while these so-called wines are obtainable for not less than twenty rupees per bottle. I hope the Hon'ble Ministers will put their heads together and make distinction between

these medicines and excisable liquors and remove the difficulties of *vaid*s and *hakims* in this matter.

**The Hon'ble Rai Rajeshwar Bali :** During this speech the Hon'ble the President resumed the Chair. Two points have been raised with regard to this item. One is, as mentioned by my friend, Nawab Muhammad Yusuf, that the present grant of Rs. 30,000 is insufficient. I entirely agree with him that this is insufficient and, as funds permit, we shall try to supplement it as soon as possible. Then, Sir, it has been asked—I am afraid Mr. Saifi is not here now—whether the Gorakhpur dispensary and the Takmil-ut-Tib get grants. The Takmil-ut-Tib got a grant this year and the Gorakhpur dispensary have been getting it, I believe, for a number of years. This sum of Rs. 30,000 is distributed among these dispensaries and the district boards and municipal boards for providing indigenous medicines to the public. Then, Sir, it has been asked what we have done about the committee. We have been trying to appoint this committee for the whole of the last year but have been unsuccessful in doing it. We tried to approach a number of men to be its chairman but unfortunately all of them have in turn refused. In December last I approached my friend Rai Bahadur Lala Sita Ram and he had agreed, but, as Fate would have it, he has since then been ailing and therefore he, too, has now refused. I am now going to offer it to another gentleman and I hope this time I will be more successful.

[Voices of—"Why don't you ask the Inspector-General of Hospitals?"]

He, too, refused. It is unfortunate that members connected with the allopathic profession are debarred by some rule to sit on this committee, as my friend Dr. Ansari will bear me out. I offered a seat to him and he refused.

[A voice—"Why not amend the rules?"]

It is not for us to do that—the rules are theirs, not ours. That has been the great difficulty in my way, otherwise this committee would have been appointed long ago and by this time it would perhaps have submitted its report. Then, Sir, it has been said why do we not give grants to *sewa samitis*. We do.

**Babu Bhagwati Sahai Bedar :** It is not shown here.

It is given on another page under some other head. We do give grants.

Motion by leave withdrawn.

**Pandit Nanak Chand :** I beg to move that the demand of Rs. 2,42,950 in respect of the item regarding King George's Hospital at page 84 of the detailed estimates be reduced by Rs. 100.

By moving this reduction I just want to draw the attention of the Hon'ble Minister and Inspector-General of Civil Hospitals to a suggestion, that they might consider the advisability of appointing in hospitals like the King George's Medical College Hospital and other district hospitals in the province honorary surgeons and physicians from among private practitioners and to entrust them with a certain number of beds in those hospitals, so that they may be able to do some work and may be able to give the benefit of their knowledge to the patients and also

[Pandit Nanak Chand.]

special facilities due to the equipment and apparatus available in these hospitals.

**The Hon'ble the President:** I think there is a motion on the same subject by Dr. Ansari.

**Dr. Muhammad Naim Ansari:** I will not move my motion, but I will support the motion before the House. I wish to bring to the notice of the Hon'ble Minister two matters. One is that there is no accommodation for patients suffering from contagious diseases in this King George's hospital. In all other provinces hospitals attached to medical colleges have separate wards for people suffering from contagious and infectious diseases. But unfortunately this hospital has got no accommodation at all. People suffering from such diseases are not allowed to go to other hospitals to get proper treatment. At present small-pox is prevailing here, and for people suffering from small-pox there is practically no place in Lucknow to go to. They are dying in their homes.

The second suggestion is about giving practical demonstration to medical students in mental diseases. In other places where there are medical colleges, lunatic asylums are also situated and the students get clinical observations in mental diseases by going to the lunatic asylums. But the students of the King George's Medical College have not got facilities to study this disease. They are practically ignorant of one branch. I suggest that something should be done so that the students might be able to get practical training in this branch.

**Col. A. W. E. Cochrane:** When I become the chairman of the managing committee of King George's Medical College Hospital I shall look into the question of honorary physicians. However, I can give the information now that within the last few days one gentleman was appointed in that capacity. As regards other hospitals we have got honorary physicians in Bareilly, Benares, Cawnpore and other places.

As regards infectious diseases hospital in the Lucknow Medical College I shall be able to look into that when I become the chairman of the managing committee. As far as I remember, we have a ward for infectious diseases, and I myself worked there for four or five years back and attended to cholera and other diseases. As I said before, when I become the chairman of the managing committee of the hospital I shall be able to look into this matter.

**Dr. Shafa'at Ahmad Khan:** May I ask the Inspector-General of Civil Hospitals whether the recommendations of the committee with regard to the re-organizations suggested by the committee have been accepted by the Government?

**Kunwar Jagdish Prasad:** As I said while discussing the Education budget, the recommendations of the Co-ordination Committee have been sent to the University and the Government have formulated no decision on them. I made that clear in discussing the report of the Co-ordination Committee and the position is the same as I stated the other day.

**Dr. Shafa'at Ahmad Khan:** The speech of Colonel Cochrane does not show that. He said he is not the chairman of the committee now . . .



**Kunwar Jagdish Prasad :** The recommendations of the committee have gone to the University and if the University accepts those recommendations they will come to the Government. Colonel Cochrane was only anticipating the recommendations of the committee and probably thought that these recommendations will be finally approved by the Government. As I said the other day, no decision has been arrived at on the point.

**Dr. Shafa'at Ahmad Khan :** It is only his anticipation?

**Kunwar Jagdish Prasad :** I presume so.

**Pandit Nanak Chand :** I do not press the motion.

Motion by leave withdrawn.

**Babu Bhagwati Sahai Bedar :** I wish to have only one information. I want to know what these special emergency officers are meant for and for whom the travelling allowances are there.

**The Hon'ble the President :** Will the honourable member move this motion?

**Babu Bhagwati Sahai Bedar :** I beg to move that the demand of Rs. 1,60,624, in respect of the item regarding Medical School, Agra, at page 84 of the detailed estimates be reduced by Rs. 27,300. I wish to know why this emergency officer has been kept there when there are eight lecturers and other provincial subordinate service men, about ten in number. To whom is this allowance paid?

**Col. A. W. R. Cochrane :** The emergency officer is the officer attached to the medical hospital at the Agra Medical School. He is in charge of certain wards in which emergency operations are admitted day and night. The other members of the staff are fully occupied in teaching and they have hard work in the day. It is cruel to expect that they should be put on night duty as well.

Also that officer imparts instruction to the students and is also in charge of the ward of syphilitic diseases.

**Babu Bhagwati Sahai Bedar :** What about the travelling allowance? I think they do not do travelling. They remain at headquarters and their business is to teach the students and to do operations when any person goes to them.

**Col. A. W. R. Cochrane :** The travelling allowance is for the Principal of the school who attends the Medical Board examinations at Lucknow.

**Babu Bhagwati Sahai Bedar :** Is he paid Rs. 2,350 for one or two journeys?

**Col. A. W. R. Cochrane :** In that is also included the travelling allowance of examiners. The remuneration of the examiners is Rs. 11,184, and their travelling allowance is Rs. 2,350.

**Babu Bhagwati Sahai Bedar :** Do they do travelling from place to place?

**The Hon'ble Rai Rajeshwar Bali :** I may mention that this travelling allowance also includes the travelling allowance that is given to assistant surgeons and sub-assistant surgeons who when they are

[The Hon'ble Rai Rajeshwar Bali.]

appointed lecturers in this institution have to go there from other districts.

Motion negatived.

**Pandit Nanak Chand :** I move that the demand of Rs. 70,680 in respect of the item regarding total salaries at page 84 of the detailed estimates be reduced by Rs. 100.

Under this motion I want to refer to the recommendations of the Economy Committee. The Economy Committee recommended that "A whole-time Principal should be retained for the Agra Medical School, and saving secured by reducing lectureships." In this connection the Government in their first resolution on the recommendation of the Economy Committee stated "The Government recognize with the Committee that strong arguments can be advanced both for and against the suggestion to amalgamate the post of Principal of the Agra Medical School with that of Civil Surgeon, but are not prepared at present to advocate the reversal of the decision which was taken as recently as two years ago." Further on they say that "The suggestion to effect economies in the matter of lectureships has been examined. The Government are advised, and accept the view that all the present lecturers are really required, and that the present satisfactory standard of instruction could not be maintained with a lesser number." In connection with this, I think there has been some mistake or oversight on the part of the Government and they have not given their attention to the suggestion of Major Ranjit Singh on which was based the recommendation of the Economy Committee. He recommended "There is also one more economy that suggests itself to me which is compatible with the continuation of the existing whole-time Principal and that is this that I think that it can be made possible to do away with at least one lecturer in medicine which duty can be taken up by the Principal, if the Principal happens to be in charge of the medical ward and the lectureship of surgery if the Principal happens to be in charge of the surgical ward." I want to draw the attention of the Government and also of the Inspector-General to this suggestion of Major Ranjit Singh, as I think from a reference to the Civil List the Principal has at present no lecturing work to do in the school.

**The Hon'ble Rai Rajeshwar Bali :** I am told that the Principal does deliver certain lectures. However, we shall further examine whether he can give more lectures to the students.

Motion by leave withdrawn.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** I beg to move that the demand of Rs. 30,868 in respect of the item regarding contingencies at page 84 of the detailed estimates be reduced by Rs. 4,000. If the honourable members will kindly look at page 84 of the detailed estimates they will find that under the head "contingencies" there are two items "contract contingencies" and "pay of menials." The actuals for 1923-24 are Rs. 6,086. The budget estimate for 1924-25 is Rs. 9,362 and the revised estimate for the same year is Rs. 9,300. The budget estimate for 1925-26 is Rs. 13,666. I am at a loss to understand this increase of Rs. 4,366. Therefore I move a reduction of Rs. 4,000.

**Mr. G. B. F. Muir :** A part of the increase is accounted for by a non-recurring demand for the X-Ray plant. This is explained at page 11 of the schedule of new expenditure appended to the Budget Memorandum. For some time it had been found that the X-Ray plant did not give as satisfactory results as it should. An expert was brought down from Dehra Dun to examine the plant and he found that the battery was more or less worn out. He also made various other suggestions for equipment to put the plant right. That accounts for Rs. 3,804. There remain some Rs. 500 to be accounted for. This, I believe, is an account of the running expenses of the X-Ray plant. These used to be met from a source other than contingencies. This was objected to as a financial irregularity and in order to enable the plant to be run an addition has been made to the contingencies.

Motion by leave withdrawn.

**Rai Bahadur Thakur Hanuman Singh :** I beg to move that the demand of Rs. 1,00,624 in respect of the item regarding total, Medical School, Agra, at page 84 of the detailed estimates be reduced by Re. 1.

I have moved this motion with a view to seek an opportunity to say that a resolution was adopted by this Council on the 14th December, 1922, regarding the establishment of a school for the instruction of indigenous system of medicine through the vehicle of the vernaculars of the province. Year after year . . .

**The Hon'ble the President :** I do not think that this motion is relevant.

The motion was accordingly not moved.

**Babu Bhagwati Sahai Bedar :** I move that the demand of Rs. 38,418 in respect of the item regarding Female Medical School, Agra, at page 85 of the detailed estimates be reduced by Rs. 2,400. The figure of Rs. 2,400 consists of the following three items :—Rs. 1,800 being the increase in the salary of the Lady Principal, Rs. 1,200 being the travelling allowance and the rest, namely Rs. 400, comes under the item "Other." I should like to know why it has been proposed to give the overseas allowance to the Lady Principal this year when it was not given last year.

**Col. A. W. R. Cochrane :** Previous to this year the Lady Principal's overseas pay, being a member of the Women's Medical Service, amounting to Rs. 150 per mensem was paid by the Central Council of the Dufferin Fund at Simla. They have, however, now refused to pay it, because she is employed by this Government. As this Government will be using the services of this lady doctor, it is only fair that it should meet her overseas pay, to which she is entitled. Under the circumstances I trust the Council will not object to it.

Motion by leave withdrawn.

**Rai Sahib Jagdish Prasad :** I beg to move that the demand of Rs. 1,75,600 in respect of the item regarding medical school and college at page 85 of the detailed estimates be reduced by Re. 1.

Sir, last year in the course of the budget debate on the Medical department I suggested that along with teaching the allopathic system of medicine in medical schools and colleges, arrangements might also be made to train students in the production and manufacture of European

[Rai Sahib Jagdish Prasad.]

drugs and medicines. It is because after passing out of medical schools and colleges our doctors have to deal with allopathic medicines which have to be imported from foreign countries into India; and it is in the best interest of a country that it should be independent of foreign countries in the matter of supply of its requirements as far as possible. The Hon'ble Minister promised at the time that he would examine my suggestion. I should like to inquire from him now as to whether he has examined my suggestion, and, if so, with what results?

**Dr. Muhammad Naim Ansari:** I rise to support the motion moved by Rai Sahib Jagdish Prasad.

I wish to inquire certain information. In 1916 the Government had decided that as the education given at the Medical School, Agra, was rather defective, they would institute a higher diploma of L M S., provided certain conditions were fulfilled. The main condition was that the staff should be augmented. In this respect, already a whole-time Principal has been engaged, and the teaching and the nursing staff have both been considerably augmented. Full eight years have, however, elapsed since that decision was taken by the Government, and I should like to know what steps they propose to take in the matter.

**The Hon'ble Rai Rajeshwar Bali:** With regard to the point raised by Rai Sahib Lala Jagdish Prasad, I may say that, according to my promise, I did examine the matter, and was advised that the question of the preparation or manufacture of chemicals was some thing quite different from the teaching of medicine. It is in fact for the chemists and the commercial people to take up the manufacture of medicines.

With regard to the remarks of Dr. Naim Ansari, I believe he was not present in the Council when I made my opening speech today. I have already stated that the Medical Council had previously made two recommendations with regard to the creation of a Medical Faculty. One was that we should institute a five years' course in the Medical School, Agra, and the other was to improve the present course of four years there. Since then they have recommended that as the first scheme involved large expenditure, it may be postponed for the present, and that the second one should be taken up. We have already taken up the second scheme, and we hope to come before the House in April for sums for that item.

**Pandit Baijnath Misra:** The question that my honourable friend Rai Jagdish Prasad Sahib has raised is indeed a very important one. We have just heard from the Hon'ble Minister for Education that it is a subject which does not relate to the department of which he is in charge. May I then divert this question to the Hon'ble Minister for Industries? I find that he is not attentive to the debate in the House. I repeat that I divert the question raised by the Hon'ble Rai Jagdish Prasad Sahib, namely, the manufacture of chemicals, to the Hon'ble Minister of Industries because the Hon'ble Minister for Education has said that it is a subject that does not relate to this department. The subject, as I have said, is a very important one. I think the Hon'ble Ministers may look to the neighbouring province of Bengal and they will find institutions there which have been started to manufacture European medicines. Is it not fit and proper for the Ministers to give their attention to this? European medicines are taking away lakhs

and lakhs every year from this country. I hope that now that the Hon'ble Minister for Education has given up this subject as not belonging to his department, the Hon'ble Minister for Industries will take it up in right earnest and when we meet next year at the time of the budget he will be able to give us some account of what he has done.

**The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** I will see what can be done.

Motion by leave withdrawn.

**Dr. Shafa'at Ahmad Khan :** I move that the demand of Rs. 179,463 in respect of the item regarding lunatic asylum at page 83 of the detailed estimates be reduced by Re. 1.

I shall be very brief. In the first place I would like to ask the Minister if he will be pleased to make inquiries into the treatment of lunatics as to whether the treatment of lunatics has improved or not. I had a conversation with the Superintendent of the Lunatic Asylum, Agra, Colonel Overbeck Wright, and I find that he holds a very enlightened view indeed. I should be very glad indeed if the Government could take up this matter and organize humane system not depending on the whims of a particular superintendent of a lunatic asylum. In the next place I should like to ask if the nomenclature of the lunatic asylum could be changed to mental hospital. I think that is a very important point, because a person who has been once to the lunatic asylum, has got that stigma upon him throughout his whole life and also on his family as well. I would therefore request the Government to see if they could change the nomenclature of the lunatic asylum to mental hospital. This has been done in England. The last point is that a neurological ward for nervous diseases should be established in connection with the lunatic asylum. There is no proper treatment of nervous diseases in this province, or, as far as I know, in any province in India. In England especially after the war the investigation of nervous diseases received a great impetus. Practically all the important lunatic asylums have got special wards for nervous diseases. I would therefore request the Government to take these suggestions into consideration and let us know, not now but later on, whether they can carry them out.

**Col. A. W. R. Cochrane :** I am afraid, in order to get a uniform system we shall have to make all the lunatics uniform. I am afraid that is not possible. As regards changing the nomenclature of the lunatic asylums, it has been done in many places and it is a very good suggestion. There is no reason why Government should not adopt it. As regards nervous diseases I do not quite know what the speaker means. He already knows that nervous diseases are treated in ordinary hospitals. If he means diseases bordering on insanity, there is no particular arrangement in India and even in England new arrangements are only just coming into force. There is a rule under which all voluntary patients can go to the asylum without being certified. It is in case of early disease and that is as far as we can go at present in that direction.

**Dr. Shafa'at Ahmad Khan :** I beg to withdraw my motion.

Motion by leave withdrawn.

**Dr. Muhammad Naim Ansari:** I move that the demand of Rs. 3,62,900 in respect of the item regarding total lunatic asylums at page 86 of the detailed estimates be reduced by Re. 1.

I want to know a few facts about certain items in the budget. They are very suspicious. One is on page 47 of the memorandum, viz. travelling expenses of the trained nurse escorting Anglo-Indian and European female patients to the Ranchi Mental Hospital, Rs. 600. Indian lunatics or insane people who go to mental hospitals are escorted by their own relatives and I do not know what the necessity is of engaging trained nurses for European female patients. The other question is about the travelling allowance. In the last budget there was a provision of Rs. 900; this has been raised this year to Rs. 1,500. This item is not very clear. There is clearly an increase of Rs. 600. The Economy Committee suggested that one assistant superintendent at Agra should be removed, but in the present budget the item for this post is still there and he has not been removed.

These are the only points that I wanted to bring to the notice of the Hon'ble Minister.

**Pandit Govind Ballabh Pant:** In connection with this I want to invite the attention of the Hon'ble Minister to one or two points. Firstly I congratulate the gentlemen in charge of the department for the unusual energy with which they seem to be running the department. That is the only department for which we have received the report for 1924 complete, printed and published. What I want particularly to draw attention to is this that the expenditure for the Ranchi hospital in 1920-21 was only Rs. 19,000; the expenditure for 1921-22 was only Rs. 20,000 and now it has run up to Rs. 1,34,000 which is almost the amount spent over all the Indian lunatics in this province. Thus we are almost spending as much in a different province over European lunatics. That, I think, is too costly a programme even where Europeans are concerned.

Then the other point is this: I do not understand why this contribution towards the Ranchi hospital should be non-voted; it does not come under the rule as non-votable.

**Col. A. W. R. Cochrane:** The item of Rs. 990 shown as travelling allowance will in fact go out as the superintendent of the asylum is no longer needed for his visits to Ranchi as he has resigned his membership of the governing body of the institution. It will be transferred, I think, to my budget, as I have been appointed as a member of the governing body instead of the superintendent. The small grant for transferring female patients to Ranchi has been found to be necessary. Anglo-Indian female patients of this class are generally poor and have no relations to escort them. I think there is something in the Europeans' blood which make these lunatics much more unmanageable. The grant is very necessary. It is a very modest demand of Rs. 600.

**Mr. E. A. H. Blunt:** I had not the slightest desire to speak, but some honourable member wishes to know why the grant to the European Mental Hospital at Ranchi is non-votable. The reason is because the contribution and the way in which it is calculated is fixed under a law. Consequently it has to be non-votable.

**Pandit Govind Ballabh Pant:** Under which law?

**Mr. E. A. H. Blunt :** It is a special law dealing with the asylum. There was a considerable discussion about it at the time, but it was held legally that it was to be non-votable.

Motion by leave withdrawn.

**Maulvi Muhammad Obaid-ur-Rahman Khan :** I move that the demand of Rs. 22,84,187 in respect of the item regarding total voted demand at page 80 of the detailed estimates be reduced by Rs. 100.

By moving this reduction I want to draw the attention of the Hon'ble Minister towards a very long-felt necessity and a very great need of the rural population of the United Provinces of Agra and Oudh. No particular heed is given to the treatment of the rural population in these provinces. There are very few dispensaries and even those dispensaries are not fitted with proper instruments and the requisite medicines.

**The Hon'ble the President :** We had a very full discussion on the matter of dispensaries. We cannot have the same discussion again. The honourable member should have risen then to speak.

**Mr. Mukandi Lal :** The motion that is before the House is rather of a general nature in connection with which we can make a few general remarks on the whole department. We have spent nearly five hours over this department and have not made a single cut. Thus it shows how much interested we are in the welfare of our own people. Therefore the accusation that this Council is inclined to be inimical to the Medical department and medical services falls flat. Again we have not made any special provision for the so-called unscientific systems of medicine and for that I think we are prepared to take the Government to task as they have not shown any special inclination towards making any provision for the unani and ayurvedic systems.

**The Hon'ble Rai Rajeshwar Bali :** There are already Rs. 30,000 in the budget.

**Mr. Mukandi Lal :** I do not consider it a sufficient or adequate amount to foster the indigenous system of medicine which alone appeals to the people in the villages. We have been told that the Government is giving aid to district boards, but, as I pointed out, there are some district boards which on account of want of funds or inclination are not prepared to open dispensaries in villages and render sufficient medical aid to the people. I do not know what scheme the Government proposes to have with a view to bring pressure on the boards or if the boards do not take the matter into their own hands whether the Government would do it directly.

In conclusion, I would only remind the Government that the death-rate of our province is nearly 40 per thousand and the average for India is 30 per thousand. Mr. Muir is shaking his head which means that he does not agree. I have got the Statistical Abstract in my hand, from which I find that in the United Provinces the death-rate is 39·57; in Bengal 30·01; in Madras 20·2; for the whole of India is 30·1 according to the census of 1921. Therefore it is worth while for the Government to consider what means they should adopt with a view to decrease this high death-rate in this province. I hope next year when the Government comes with the budget, it will have a new scheme for

[Mr. Mukandi Lal.]

rural medical aid for this province so that we may be able to decrease the death-rate.

Motion by leave withdrawn.

**The Hon'ble the President:** The original demand moved by the Hon'ble Minister under head 32—Medical was for Rs. 22,84,587, since when one reduction has been made for Re. 1, leaving a net demand of Rs. 22,84,586. The question is that this net demand be voted.

Demand voted.

**The Hon'ble the President:** Is the Raja Sahib going to speak in introducing his budget?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** Yes.

**The Hon'ble the President:** Then we ought to wait till tomorrow. The Council was then adjourned to the following day.



# LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

*Saturday, 21st March, 1925.*

The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

## PRESENT :

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallowes.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad Ejaz Rasul Khan.  
Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Babu Khem Chand.  
Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Rajkumar Singh.  
Thakur Shib Narayan Singh.  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Amba Prasad Sahib.  
Rai Bahadur Pandit Kharagjit Misra.  
Lala Dhakan Lal.  
Babu Nemi Saran.

Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Bijmandan Prasad Misra.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Thakur Har Prasad Singh.  
Lieut. Raja Durga Narayan Singh.  
Lieut. Raja Bahadur Hukm Tej Pratap  
Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Kunwar Rajendra Singh.  
Rai Bahadur Thakur Mashal Singh.  
Babu Bindeshwari Prasad.  
Kunwar Surendra Pratap Sahi.  
Rai Bahadur Babu Shankar Dayal.  
Mr. Muhammad Zahur Ahmad.  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Rao Abdul Hamid Khan.  
Khan Bahadur Chaudhri Amir Hasan  
Khan.  
Maulvi Obaid-ur-Rahman Khan.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Nawab Muhammad Yusuf.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khan Bahadur Munshi Siddiq Ahmad.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf.  
Mr. St. George H. S. Jackson.  
Lala Mathura Prasad Mehrotra.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.  
Sir Thomas Smith, Kt., v. d.  
Dr. Ganesh Prasad.

## THE OUDH COURTS BILL.

### MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

**The Hon'ble the President :** I have a message from His Excellency to deliver to the Council. The message will be printed and circulated to

all members and the first available day will be given for discussion of the message. The message is:—"The Governor having taken into consideration the Oudh Courts Bill passed by the Legislative Council of the United Provinces on March 7, 1925, and presented to him for assent on March 18, 1925, has decided to return the Bill to the Legislative Council for reconsideration on a single point. The Governor finds that the last proviso to clause 4 requires that three-fifths of total number of judges constituting the Court shall be Indians. It is difficult for him to assent to this racial prescription.

2. The proviso, so far as the Governor knows, is unprecedented. An attempt was made, he believes, to introduce a similar qualification into section 36 of the Government of India Act and was unhesitatingly rejected. Nor is there any analogous provision in section 101. The Legislature both in England and India has hitherto consistently refused to recognize race as a qualification or disqualification for public office.

3. The proviso is in practice not needed to secure the adequate representation of Indians in the Chief Court, because under the other provisions of the Bill it is certain that as a general rule three judges will be Indians. But it is easy to see that the enactment of the proviso, taken in conjunction with the other prescriptions of clause 4, might in certain contingencies have the result that three Indian judges were not the best three Indians available who might be appointed.

4. The proviso in the Governor's opinion constitutes a dangerous precedent. If such a prescription can be made in respect of 60 per cent. of the judgeships, it can be made in respect of 80 per cent. or 90 per cent., and if it can be made on behalf of Indians, it can be made on behalf of any community which happens to be dominant in the Legislature, to the prejudice of minority communities.

5. The Governor believes that the proviso runs directly counter to the principles of the constitution which he is required to administer. He cannot reconcile it with the letter or the spirit of the Queen's Proclamation of 1858, of section 96 of the Government of India Act, or of paragraph VII (3) of his own Instrument of Instructions (reproduced below).

6. Anxious as he is to see the Oudh Courts Bill become law, the Governor, for the reasons given, conceives that he has no alternative but to return the Bill for reconsideration upon this point. He earnestly recommends that the following amendment to the Bill be passed by the Legislative Council:—

"That the last proviso to clause 4 of the Bill be omitted."

Extract from Queen's Proclamation, dated November 1, 1858:—

"And it is Our further will that, so far as may be, Our subjects, of whatever race or creed, be freely and impartially admitted to offices in Our service, the duties of which they may be qualified, by their education, ability and integrity to discharge."

Section 96 of the Government of India Act:—

"No native of British India, nor any subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them be disabled from holding any office under the Crown in India."

Extract from the Instrument of Instructions to the Governor of the United Provinces of Agra and Oudh:—

"(3) to see that no order of your Government and no act of your Legislative Council shall be so framed that any of the diverse interests of or arising from race, religion, education, social condition, wealth or any other circumstances may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have theretofore enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large."

## THE BUDGET 1925-26.

### Demand No. 10.

#### DISCUSSION OF DEMANDS FOR GRANTS.

#### HEAD 26—POLICE.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I beg to convey to the Council the recommendation of His Excellency the Governor that, under Head 26—Police, a sum of Rs. 1,54,09,511 be provided, and I move that this sum be voted.

In moving this I intended to read a note with regard to the improvements and reforms which have been made during the last four years during my term of office. This is the fifth budget which I am putting before the Council and most probably it will be the last occasion for me to do so. In order to avoid a repetition of the arguments I do not now intend to read out this note of mine, because I will have to reply to certain motions for reduction in this budget. I wish to record my high appreciation of the valuable services rendered by my esteemed friend and colleague the Inspector-General of Police who is to leave us within this year. He has been of the greatest help to me and as the Head of this department deserves every credit for carrying out all measures of reform with great care and tact. I also wish to submit to this Council—in order not to be misunderstood—that whatever replies I have got to make, these replies are with a view to defend the position of the man who is to succeed me in this office. I will have only nine months, and the remaining months of the financial year will have to be dealt with by the new member. In order to save him many difficulties I will have to submit to this Council during the course of the debate under this head, because I want to make it easy for the new member to carry out that work.

**The Hon'ble the President :** The next motion is in the name of Babu Mohan Lal Saxena.

**Pandit Govind Ballabh Pant :** Mr. Saxena has gone away to attend the meeting of the Railway Advisory Committee, and if you will permit me, I will move it on his behalf.

**The Hon'ble the President :** Yes.

**Pandit Govind Ballabh Pant :** I move that the demand of Rs. 26,800 in respect of the items regarding pay and exchange compensation allowance of one Deputy Inspector-General at page 60 of the Detailed Estimates be omitted.

The amount is mentioned against salaries at page 60 where totals are given. I do not consider it necessary to give any elaborate argument in support of this motion. The question was raised last year, and it is contained in the report of the Budget discussions relating to the police demand from page 211 onwards. The proposal was made last year by Lala Mathura Prasad Mehrotra and was supported by Pandit Nanak Chand, Rai Bahadur

[Pandit Govind Ballabh Pant.]

Lala Sita Ram and others. The proposal had the support of the Economy Committee, and after the reply had been given by the Inspector-General of Police the Council adopted the motion, not being satisfied with the arguments he had put forward. So it is not necessary for me to re-cover the same ground. I hope the House will accept the motion for reducing the number of Deputy Inspectors-General by one. It has come to the notice of the honourable House that the expenditure under Police is being increased this year as compared with the revised estimates of last year by more than three lakhs. It is going up from Rs. 1,59,00,000 to Rs. 1,62,00,000. So it is necessary to effect economies. It is but proper that we should proceed by adopting this motion about which the House had already been satisfied, but its opinion has been flouted. So, I move that this reduction be made.

There is one point which I am not able to follow. Perhaps this is a printer's mistake. Last year the number of Inspector-General and Deputy Inspectors-General and the staff under "Superintendence" was given as four, but this year it is given as five, including the Assistant to the Inspector-General. I think there is some mistake. Perhaps there must have been number one under 1924-25. If I am correct the number remains as it was.

**Mr. A. D. Ashdown :** It should be number one.

**Pandit Govind Ballabh Pant :** I thought so. With these few remarks I commend my motion to the acceptance of the House.

**Mr. A. D. Ashdown :** The problem before the House is whether we can reduce the number of Deputy Inspectors-General of Police from three to two without any serious loss of efficiency. I do not propose to go into the arguments which I used last year, but this House will remember that I told them that we had not formerly given them sufficient powers. From November, 1923 and also from April, 1924 we enlarged the functions of Deputy Inspectors-General very considerably. They were given increased financial powers; they were allowed to administer petty construction, repairs and works costing up to Rs. 5,000 in their ranges; they were given control over rewards; they were given control over transfers and postings, leave and promotion of all non-gazetted officers; they were also given power to grant casual leave to gazetted officers; they were also given some small additions to their powers of punishment. These increased their work very considerably.

Previously all crimes of certain classes were reported to the Inspector-General of Police. Now they have been given all control over matters relating to crime and only report to the Inspector-General dacoities and other matters of very serious importance. So now we have increased their work nearly double.

I should like to point out to the House the importance of the post of Deputy Inspector-General of Police. As I explained to the House last year, it is absolutely impossible for the Inspector-General to be in close touch with all the 46 police districts in these provinces. He has not the time; he has not the opportunities. If anything of supreme importance does occur, he goes and looks into it; but the great mass of crime and of detail relating to the districts is dealt with by the Deputy Inspector-General of Police. Further, one of his most important functions is that of co-ordinating the efforts of various superintendents in regard to

serious outbreaks of crime. As members of this House are aware, he also decides whether the services of the special dacoity police are necessary to deal with any cases of gangs of dacoits operating in several districts. In this manner the work done by the Deputy Inspector-General is more than valuable. In addition to these duties it is absolutely essential that he should inspect each district during the year. He generally does the offices in the rains, as I explained last year, and the general administration is done in the cold weather.

There is still another point. Unfortunately in these provinces, as we are all aware, there have been serious communal disturbances. They occurred at Shahjahanpur—I think I am correct in saying—and at Allahabad at one and the same time. It is essential to my mind that the Deputy Inspector-General should go down to these places and look to the general police arrangements on such occasions, and he cannot be in more than one place at the same time. Finally, the Deputy Inspector-General is generally an experienced officer and he is in the best position to advise officers of the department with less experience. With due respect to what my honourable friend Maulvi Fasih-ud-din Sahib said last year I say that this matter of advice is of very great importance, especially as so many senior superintendents have gone on leave preparatory to retirement or have retired, so that at the present moment it is extremely difficult to provide experienced officers for even the seven most important districts and cities.

Now, there are 46 police districts in these provinces and at the present moment the Deputy Inspector-General of the first range has 16, the Deputy Inspector-General of the second range has 16, and the Deputy Inspector-General of the third range has 14, but these latter 14 districts include the large district of Gorakhpur and the important districts of Benares, Allahabad and Cawnpore. Now, as I pointed out to the House last year, I think it will be agreed that, in dealing with an extensive country like these provinces, the matter of travelling merely to get from one place to another takes up a very large and appreciable part of an officer's time. I can assure the members of this House that it is most difficult for the Deputy Inspector-General—in fact I have had bitter complaints about it—to get round to all these districts, to look into all these matters, very often at the instance of members of this House, and at the same time to find the time for travelling. Now, I venture to assert that it is not practicable that two officers should manage to do all this work for 23 districts each. A considerable amount of time will be spent in travelling when it is impossible to do work except of a purely routine nature. Therefore, in view of the fact that these Deputy Inspectors-General have to perform such multifarious duties, in my opinion, it is not possible or practicable to reduce their number.

**Pandit Nanak Chand :** It is futile to expect from the Government that they would agree to the reduction of any of the higher posts. For one excuse or another they would oppose every recommendation which is made with a view to reduce the number of higher posts. I am not, therefore, surprised at the attitude taken up by the Inspector-General of Police on behalf of the Government. He has pointed out that during the last year or so the functions of the Deputy Inspectors-General of Police have been almost doubled. That shows that previous to this re-arrangement of functions, the Deputy Inspectors-General had not even half of the work which is allotted to them under the present arrangement; in other

[Pandit Nanak Chand.]

words, the officers were kept on without there being any sufficient work for them to do. The Economy Committee, realizing that the work which the Deputy Inspectors General are required to do or are expected to do is not of such a character as to justify the number of posts that were fixed for the Deputy Inspectors-General, recommended that the number of Range Deputy Inspectors-General be curtailed by one. After this the Government as if it were found themselves on slippery ground and could not justify the retention of all the posts, they began to set their house in order and increased their functions to justify the existence of all the Range Deputy Inspectors-General. The proposal of the Economy Committee was that there should be two Range Deputy Inspectors-General. I think honourable members have read the recommendations of that Committee and also the resolution of the Government on the point. Now, coming to the functions that have been handed over to the Deputy Inspectors-General I want to point out to the House that one of the functions which has now been transferred to the Deputy Inspectors-General is the control over crimes of serious nature which used to be reported to the Inspector-General, of Police. The Inspector-General of Police had never complained before that he could not look to this type of work and that he required any assistance in this respect. It appears that this work is transferred to the Deputy Inspectors-General to provide them with some work. Not only this, they are not given any final authority in this matter, but we are informed that important crimes are still reported to the Inspector-General of Police. So the new arrangement has not absolutely done away with the agency of the Inspector-General of Police in this respect, rather it has added another extra wheel to the coach, that is, the crime to be reported and controlled by the Deputy Inspectors-General. I do not know why this work has been handed over to the Deputy Inspectors-General.

It has further been pointed out that the Deputy Inspectors-General are required to co-ordinate the activities of the superintendents of police in the various districts. He has in this connection specially referred to the activities of the Special Dacoity Police. He presupposes as if it were, rather he begs the question as if it were, that this Special Dacoity Police is going to be of a permanent nature and therefore a higher number of Deputy Inspectors-General is required to supervise and regulate the activities of the Special Dacoity Police. The proposal, I hope, will come before the House to place the Special Dacoity Police on a semi-permanent basis. I do not know whether the House will agree to that proposal or would reject it or accept the proposal in a modified form. Another element which has been sought to be made use of in justification of the retention of the Range Deputy Inspectors-General at their present number is the occurrence, unfortunate as it is, of communal disturbances here and there. Sir, everybody knows that these communal disturbances are not a matter of everyday occurrence. Unfortunately, they have taken place off and on, and I do not think that such occasional incidents justify the retention of a higher number of Range Deputy Inspectors-General. There are many duties which could very well be left in the hands of the superintendents of police. The natural result of this over-centralization is that the superintendents of police do not realize their duties and responsibilities; they are taught always to look up to the Deputy Inspector-General or the Inspector-General of Police; they expect that on every problem of district administration they ought to receive inspiration from

the higher quarters. I think the Police work will not suffer if the number of Range Deputy Inspectors-General is reduced by one. I do not think that, except in very rare cases of serious crimes of a special nature, for example, the activities of organized gangs of dacoits which have to be specially dealt with, the Deputy Inspector-General has much to do by way of controlling the important crimes. If there are any large number of murders committed, the matter is simply reported to the Deputy Inspector-General. The Deputy Inspector-General is not in a position to set things right. It is to the man on the spot, the superintendent of police in charge of the district, that these crimes have to be left for investigation and prompt and necessary action. I do not think that in every important case except the communal riots the Deputy Inspector-General goes to the district to interest himself in the investigation. The arguments that have been advanced on behalf of the Government are not such that they can be taken seriously by the members of the House.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** On the motion of my present colleague, the Hon'ble the Education Minister, then ordinary member of the Council, I had agreed to the reduction of one Deputy Inspector-General.

**Pandit Nanak Chand :** It was a temporary post.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The post was going to be made permanent.

I ask the House to consider the points coolly which I am going to put before them. I am not opposing this motion of reduction only for the sake of having one more Deputy Inspector-General. The necessity of keeping four Deputy Inspectors-General has been made clear by the Inspector-General of Police. For the information of the House I give figures for other provinces. In Bengal there are five Deputy Inspectors-General and one Deputy Inspector-General for the Criminal Investigation department, which means altogether six. In Bihar and Orissa there are four Deputy Inspectors-General, including the one for the Criminal Investigation department. In Bombay and Burma there are four Deputy Inspectors-General. Only in the Central Provinces there are three only. In Madras there are five Deputy Inspectors-General and in the Punjab there are four. Of course this excludes the Commissioner of the Presidency town. Here in the United Provinces we have got four Deputy Inspectors-General.

I now submit that the importance of a province is judged by the work and the importance of all the administrative heads and sub-heads. I do not know whether my honourable friend from Bulandshahr has examined certain documents in connection with the Reforms scheme. These matters may seem to be very trifling, but in the matter of the grant of concessions and reforms they go a long way. When they are examined with other points, importance is attached to them also.

**Pandit Nanak Chand :** As a price for constitutional advance.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I am not aware of the ambition of the honourable liberal members, but I am speaking for myself, and I think every nationalist is ambitious to raise this province to the status of a first class province. As I have already mentioned, the question of the number of the Deputy Inspectors-General may be a very trifling matter, but if it will be examined together with other points it may

[The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.]

prove to be a disadvantage to us. It may be said that we have not got a very important police force, though as compared with other Presidencies we have got larger area and larger population.

In this connection I also submit another point for the consideration of the House. Are we prepared to make the work of the Inspector-General of Police in future impossible by leaving certain matters of detail in his hands owing to the insufficiency of inspecting staff? I leave it to the Council to deal with the matter as they choose. Personally, I am not much concerned with it, as I am going to leave this office at the end of the year. In my private capacity either as a member of this Council or of any other Council it will be my duty to see that the status of my province is not in any way allowed to deteriorate. Under the circumstances I trust the honourable member will see his way to withdraw the motion.

**Mr. H. David :** I am glad to oppose this motion of reduction on various grounds, the first being the patriotic ground. We all cry and strive for Indianization of the services, even of the Imperial services. The question therefore arises, as to whether my friends on the opposition side agree to reduction of certain prize appointments in the higher grade in order to deprive their posterity of their chance of enjoying the high salaried positions. In the next place, I should like to submit that very few persons here, except my honourable friend from Bulandshahr, believe that there will in future be no communal disturbances. When he made that statement, I whispered into his ear to inquire if there would be no *Muharram* or *Ram Lila* in future. It is on occasions like these that there is always fear of the two communities coming to a clash. Sir, we all know that the Unity Conference, which was recently held at Delhi, resulted in a fiasco. Indeed, the committee which was appointed by it to investigate the causes of these communal disturbances and to suggest how they could be prevented has declared its complete helplessness in the matter. Even today in a Lucknow paper we are told of a possible breach of peace in Amin-ud-daula Park. That being the position, do the honourable members of this Council imagine that the weakening of the police in higher appointments would lead to the preservation of peace and order? My friend, the honourable member for Bulandshahr, talked very placidly about the utter uselessness of the Deputy Inspectors-General of Police. When a disturbance breaks out in a district it is the Deputy Inspector-General of the range that goes there and quells it. It is he who guides the district superintendent of police. To my mind in the interests of efficiency of the police administration it is absolutely necessary that the Deputy Inspector-General should be retained. I cannot understand why the members of this Council should always raise their voice against the police which I think is essential for the preservation of peace and order in this province. We may be able to do without members of this Council, the Ministers and the Executive Councillors, but we certainly cannot do without the police.

For these reasons I strongly oppose the motion of the honourable member for Naini Tal.

**Dr. Shafa'at Ahmad Khan :** I had no mind to take part in this debate, but I think the remarks of my friend Mr. David call for some reply. He said that the Council was going to weaken the police. That, I submit, is a gross misrepresentation of facts. We are as anxious for the preservation



of law and order as the Government is, nor do I think that it possesses any prerogative or monopoly for the care and safety of the people. We are eventually affected by any disturbance that may take place. I will go further and will say that if any riot takes place, if there is any disturbance, it is we, the non-official members, who suffer. It is not the Government who suffers so much. Therefore, I repudiate the charge that we are oblivious of the importance of the maintenance of peace and order in these provinces. In the next place Mr. David has referred to the possibility of communal disturbances in these provinces. I think that it is one of the most futile arguments I have ever heard. He thinks that because there is a possibility, a naked possibility, of such an unfortunate occurrence, therefore it is necessary to retain the Deputy Inspector-General, not ordinary police superintendent, assistant superintendent or even district superintendent, but a man of the type of Deputy Inspector-General. I see absolutely no reason why the Deputy Inspector-General should be necessary for quelling disturbances, sporadic disturbances that may arise in one or two places. Mr. David has referred to the failure of the Unity Conference. I do not believe in that. I am absolutely convinced that the Unity Conference is going to bear fruit. I see absolutely no reason for linking up the present relations between the two communities as a reason for the maintenance of a glorified staff. Then, Sir, Mr. David says that it is due to our desire for the Indianization of the services. So far as I am concerned, I will say this much that my sole desire in sending in all these cuts has been to effect economy. I have not been guided by any desire for the elimination of the European officers of the Police department. With these few words I commend the motion to the favourable consideration of the House.

**Babu Nemi Saran :** We should thank the Hon'ble Raja Sahib for his valuable advice, or rather warning, which, I think, he has given us this morning not as a Home Member but in the rôle of a true nationalist. The Hon'ble the Home Member has said that it is his desire to see the province as a first class province. But, Sir, I may tell him that our first desire is not to see our province as a first class province by the number of posts necessary for classing it into a first class province. Our desire to have the province classified in the first class province is based on higher grounds, of better education, of better sanitation and of better electorates. Sir, I was astounded to hear Mr. Ashdown saying that the Deputy Inspector-General was required in case of communal disturbances.

**Mr. A. D. Ashdown :** We are not discussing the Criminal Investigation department. We are discussing Deputy Inspectors-General.

**Babu Nemi Saran :** I beg your pardon. He said that these Deputy Inspectors-General were required for the purpose of communal disturbances. I would ask him what these Deputy Inspectors-General have done in regard to the communal disturbances at Allahabad, Lucknow and other places?

**Mr. A. D. Ashdown :** I think I only enumerated that as one of the many duties of the Deputy Inspector-General, and I gave the instances of Shahjahanpur and Allahabad. I never said that it comprised the entire duties of the Deputy Inspector-General. I said that incidentally.

**Babu Nemi Saran :** I want to say that the case of communal disturbances, though he has raised this point incidentally, is a very important point, and I want to bring to the notice of the Government that, leaving aside the Deputy Inspectors-General, even the ordinary police have been able to do very little about these disturbances, and that the police only reached the actual place of occurrence when the riot or the disturbance was over. The chief grievance in this matter of communal disturbance is that the police have not done what they ought to have done. Lastly, the Hon'ble the Home Member has said that we want to keep up the show. His arguments do not carry us any further than the arguments that were advanced last year in this very connection, and I do not think these arguments will appeal to the non-official members. I hope this motion will be carried unanimously.

**Rai Bahadur Thakur Mashal Singh :** The argument advanced by the Hon'ble the Home Member does not seem to me at all convincing. He has said that with a view to increase the status of our province we should have four Deputy Inspectors-General of Police ; if instead of four the number is three, perhaps the status of our province will suffer, and that at the time of giving more concessions or reforms the higher authorities may think this province to be inferior and therefore they may not give us as much as we deserve. If this is the criterion of judging the status of a province, I am sorry, I think the number of educational institutions, the number of institutions which develop a country ought to be the criterion for giving any concessions of reforms. Had there been twice as many schools and colleges as in Bengal, I would have thought this province to be very fortunate and its claim would have been better for more reforms, but if crime is on the increase in this province, then it cannot boast of civilization or education or anything which justifies further advancement. The point which has been raised by my friend, old, but young in spirit, Mr. David, is that for the sake of Indians some posts, though sinecure, should be retained on the ground of patriotic feeling. If this is a patriotic feeling, I condemn such a feeling of patriotism. I do not wish to be patriotic if for the sake of providing some educated people the general masses should be taxed. These two arguments which have been advanced by the Hon'ble the Home Member and Mr. David seem to me to be futile. No doubt the argument which has been advanced by the Inspector-General of Police has some force. If there is work, you may retain four Deputy Inspectors-General of Police : if there is not sufficient work for them, the number should be reduced by one. That is a different thing. If there is work for four men the number must be retained as it is, but if there is not enough work for four men, then the number must be reduced. That is another thing, and on that ground if the Government justifies the retention of four men, I will give my vote. If on the other hand there is no necessity for four men who are at present under employment, I would certainly vote for the reduction.

**The Hon'ble Mr. S. P. O'Donnell :** If I intervene in this debate, it is simply because it appears to me that there is a danger of the discussion getting away from what is the real issue. It is not suggested by this motion that Deputy Inspectors-General should be abolished. The motion does not aim at the abolition of all the appointments of Deputy Inspectors-General. It only suggests that one post of Deputy Inspector-General should be reduced. It is admitted therefore that the Deputy Inspector-General is

not unnecessary. It is admitted that the appointment is required; it is admitted that there is room and scope for the activities of Deputy Inspectors-General. Indeed, I do not see how that could be denied. It is surely impossible that the Inspector-General him self should do the whole supervision of 46 districts, however able and energetic he may be, and we are fortunate in having an Inspector-General of the ability of Mr. Ashdown. It is impossible for any single officer to be in close and constant touch with 46 districts. Therefore the work cannot be left entirely to the Inspector-General. It is equally clear that it would be unwise to leave 46 superintendents of police to work without supervision. That supervision is necessary is principle well-recognized not only by other Governments but also by all sound business concerns. If the organization of any large business firm is examined, it will be found that the local agents are always subject to close and constant supervision. It seems to me therefore to be axiomatic that there must be supervision and that supervision must include not only the supervision of the Inspector-General but also that of the Deputy Inspectors-General. The issue therefore is simply narrowed down to this: how many posts are required? Now, we are dealing only with the territorial Deputy Inspectors-General; the fourth Deputy Inspector-General is in charge of the Criminal Investigation department and the present motion is not concerned with that department; we are dealing with territorial charges. There are three Deputy Inspectors-General in charge of the 46 districts, that is to say, each Deputy Inspector-General has to look after 14 or 16 districts. Now, I put it to the Council, is it possible for any one man to be in close and constant touch with more than 14 or 16 districts? To me it seems to be absolutely impossible. I do not see, Sir, how, if we have only two Deputy Inspectors-General, we can expect them to know what is going on in all the districts, to have intimate acquaintance with the internal administration of all of them, to be in a position at any time when things go wrong to put their finger on the cause. The number in this province is not in any way exceptional. I do not think there is any other province in which Deputy Inspectors-General are required to look after a larger number of districts than they are in these provinces. We have had too ample proof of the extreme value of the work of the Deputy Inspector-General in recent years, particularly in connection with outbreaks of dacoities. We have found again and again that the Deputy Inspector-General goes down to the district, examines the work, and finds out what is the real cause of the outbreak. He is an officer of course of much greater experience than is possessed by the superintendent of police.

**Pandit Nanak Chand :** What about Mr. Young who conducted those operations?

**The Hon'ble Mr. S. P. O'Donnell :** Mr. Young was on special duty. He is an officer of exceptional ability and his services have been invaluable in connection with dacoity, but that does not mean that the Deputy Inspectors-General too have not been rendering extremely valuable service. The Deputy Inspector-General does not confine himself to office inspections or to routine work; that is not really his main function. What we expect a Deputy Inspector-General to do is this: he finds that there is an outbreak of crime in a district; he finds that crime seems to be getting out of hand; he goes to that district, he examines and looks into the work; he traces the cause and takes steps to put matters right. We have seen that done in certain districts within the last year. The Deputy

[Mr. S. P. O'Donnell.]

Inspector-General has got to the bottom of the trouble and he has put things right; but it would be quite impossible for him to do so if he had too many districts in his charge, if you give him as many as 23 districts to look after. The result of doing that would be that he would be overwhelmed with routine work and unable to concentrate on the really important side of his work.

**Khan Bahadur Maulvi Fasih-ud-din :** It is rather curious that the Hon'ble the Finance Member has anticipated me and has said exactly, or at least most of, what I was going to say. I am rather afraid that he has confused the issues. The two issues involved in this case are:—

(1) Whether the post of the Deputy Inspector-General of ranges—I am not speaking of the Criminal Investigation department Deputy Inspector-General—is at all needed and whether the Deputy Inspector-General is a fifth wheel in the carriage?

(2) If not, whether the three posts of Deputy Inspector-General of ranges in these provinces are sufficient, or whether the number should be cut down to two?

These are the two issues that are involved in this discussion. As to the first point, as has been said by the Hon'ble the Home Member, it is rather a difficult point for us to solve at the present occasion, especially when there are Deputy Inspectors-General of Police in charge of ranges in the other provinces of India. The question therefore becomes of special difficulty and we cannot solve it all of a sudden. My own inclination is that the question deserves to be looked into rather seriously.

**Pandit Nanak Chand :** Is the honourable member aware that in the presidencies of Bengal, Madras and Bombay there is the special feature of presidency police and in the case of the Punjab...

**The Hon'ble the President :** It seems to me that the honourable member wishes to arrogate to himself the right of making several speeches in the course of each debate. I have never called on him more than once, but there is scarcely an occasion on which he does not intervene to add further arguments to his previous speech, which is quite irregular.

**Khan Bahadur Maulvi Fasih-ud-din :** I can only say to this that the United Provinces is not Madras. However, that question is rather difficult to be solved, and for the present as I have not studied it thoroughly I cannot give my opinion one way or the other.

As to the reduction of the number three by one, I think that it has been proved by the reasons which have been given by the Inspector-General of Police that even the three Deputy Inspectors-General are not in a position to manage this province thoroughly. If three have not been able to manage it, then two will certainly mismanage it. In that case I think that so long as the broad question of principle as to whether the post of Deputy Inspector-General is redundant or not is not decided, we might better leave this point for the present, and, as I have said again and again, I have no opinion either one way or the other in this particular respect. Sir, personally speaking, I have one score of complaint against these Deputy Inspectors-General, and it is this, that they carry with them the contamination of the lower grades of service and for that reason the basis for their recruitment should be wider.

**Mr. E. A. H. Blunt:** I do not propose to deal with the merits and demerits of this particular question, but as at least two members have referred to the increases in the budget generally and as there are many motions for reduction, I think it may be convenient, in the hope of getting rid of some of these motions, if I explain at this stage exactly how these increases occur. The total increase—I will take the revised because the honourable member for Naini Tal used that figure—is 3,29. In the first place, we are ourselves making a cut, as honourable members will see by a reference to the order paper, of seventy-six thousand. That leaves 2,53. Of that figure 1,69, is unreal. There is in the first place 18, increase due to the reduction of the contribution from central revenues. That is obviously not our fault. There is, further, a small reduction of 8, which is due to our taking a smaller figure for probable savings. I am doubtful whether he could not safely take that extra eight thousand. There is next a very large figure of 1,05, of which 87, is a plain transfer from the Civil Works budget, due to the re-organization scheme, while the rest of it is simply due to the necessity for repairing buildings damaged by the floods. Lastly, there is Rs. 38,000, which comes under clothing, and that is also unreal because that sum was formerly provided under the High Commissioner's budget for expenditure in England. It has now been decided to purchase in India entirely and consequently that is not a real increase at all. That leaves Rs. 84,000. Out of that sum Rs. 20,000 is an increase in house rent allowances, due solely to the fact that many of the police stations are in such a bad condition. I believe honourable members have been shown photographs of those police stations. I need not therefore dwell on this point. Then Rs. 11,000 is expenditure which goes back to the tax-payers, because it is paid to municipal boards and represents simply additional municipal taxes and Rs. 13,000 goes to the railway administration for additional rent of quarters. That leaves Rs. 40,000 in all, and that is the only true increase in the entire Police budget as compared with the revised estimates. I should like to make one further point. As Mr. Ashdown will inform you—that is why I am saying it before he gets a chance—the amount that is provided here was provided after we had made a cut of about 8½ lakhs. The budget is by that amount less than what Mr. Ashdown asked for—consequently the Finance department have already made very considerable reductions in the budget before it came before the Council. One speaker compared police and education. He said that advance is measured by the increase in expenditure under the latter head. Well, education since 1920-21 has increased by Rs. 61,71,000; police, on the other hand, has decreased by Rs. 19,34,000. I think therefore that the measure of progress in the province has been very considerable indeed.

**Pandit Govind Ballabh Pant:** As was observed by the Hon'ble the Finance Member the issues were rather being confused. We have to apply ourselves to one single question, and that is, whether the reduction I am asking for is or is not justifiable. Well, I think the Hon'ble the Finance Member has placed his arguments with his usual lucidity so far as the actual points in issue are concerned, and I have only to invite the attention of the honourable members to two or three of them. Firstly, the reduction that we are seeking to day is not what a layman is suggesting. It was the proposal of the Economy Committee in which the officials . . .

**The Hon'ble the President:** Is this a reply or an original speech?

**The Hon'ble Mr. S. P. O'Donnell:** Is the honourable member in order in making a second speech?

**The Hon'ble the President:** I am permitting a reply in this case as the matter is important. A good many points have been raised, and it would be an advantage to have a criticism of the criticisms made, and, if necessary, the Raja Sahib will be given the right to reply.

**Pandit Govind Ballabh Pant:** Ordinarily I do not myself wish to reply.

What I was suggesting was, it has been urged that it is for the Police department to say whether they needed these services. My reply to that is, it is not a layman suggesting that two men can do the work, but that it was the Economy Committee in which the officials were as well represented as the non-officials, who went into the details of the question and considered it from every possible aspect, and they said in their report that after hearing the Inspector-General of Police and after considering the matter from all possible aspects they arrived at the conclusion that it was a superfluous post and it should be abolished. So we cannot have any better authority for determining that question. Let me say that the non-official members who had the advantage of hearing the official side of the case were in favour of the abolition of this post, and this Council last year decided that it should be abolished. Then, Sir, it was said that another province has got a larger number of superior officers than we have here. Comparisons are invidious, and I would only say that this supervision is needed not for the superior officers but for the inferior officers, and for that if you look at the figures you will find these provinces have got the largest number of superintendents, the largest number of assistant superintendents and the largest number of deputy superintendents. So that the districts in our province are also smaller, which goes to indicate that the province is over-staffed. The area of Madras is almost that of the United Provinces and they have only twenty-six districts. As to the volume of crime it is no credit to the province nor to those in charge of it if it is greater than in other places. We have 174 superintendents and deputy superintendents, while in other provinces equal to ours in area or population it is at least 40 per cent. less. So that supervision is not needed here in the sense in which it is needed in other places. Similarly, if you look at the proportion of the total revenue allotted to the police in provinces like Bombay and Madras you will find that the proportion is less than it is here. This is another ground for effecting economy. Then, as was just observed, the number of educational institutions and other beneficent departments in our province is much less than it is in the other major provinces, so comparisons need not be made in that manner. As to the Reforms scheme having a bearing on this question, I think one of the most important questions with which any authority deals when the further progress of the province is concerned is the disposal of funds by the Legislature, and, as observed by Mr. Gladstone, expenditure is the most important part of finance and economy, the most important part of financial disposition. We have therefore to see to it that our money should be very economically utilized so that we may never expose ourselves to the charge of superfluous and excessive expenditure over departments that do not directly contribute to the building up of national activity, and it is after all no good commentary on our system of administration if we say that we want more reforms because there is a greater tendency towards crime, because the disruptive forces are increasing,

and therefore the police force should increase, because the one is interdependent and closely hinged up with the other. If you want progress we have to see there is greater tranquillity and more peace, and consequently the number of police officers should be decreased. So I submit that the right criterion should be that the expenditure should be decreased as much as possible. As to the communal differences, I think the tension is being relieved from day to day and it is not as bad as it was some months ago. Besides, the complaints against the police officers have generally been of an adverse character. Moreover, the Deputy Inspector-General can hardly have much to do with these things. But the fact remains that the present number is inauspicious. In spite of his existence we have had communal troubles. So, if we want to get rid of them we must alter the number. As the Government has increased the number, we should reduce it.

**Rao Abdul Hamid Khan :** I want to speak, Sir.

**The Hon'ble the President :** I cannot now allow any other speaker except on behalf of Government.

The question is that the demand of Rs. 26,800 in respect of the items regarding pay and exchange compensation allowance of one Deputy Inspector-General be omitted.

The question was put and the Council divided as below :—

*Ayes (38).*

Babu Narayan Prasad Arora.  
Babu Sangam Lal  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Thakur Rajkumar Singh.  
Thakur Shib Narayan Singh.  
Rai Amba Prasad Sahib.  
Lala Dhakan Lal  
Babu Nemi Saran  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.

Pandit Bhagwat Narayan Bhargava.  
Pandit Jhannu Lal Pande.  
Thakur Har Prasad Singh.  
Lieut. Raja Durga Narayan Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Babu Dip Narayan Roy.  
Rai Bahadur Thakur Hanuman Singh.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukand Lal.  
Babu Ram Chandra Sinha.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Zahur Ahmad.  
Mr. Muhammad Aslam Saifi.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Husain.  
Lala Mathura Prasad Mehrotra.

*Noes (36).*

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Murr.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.

Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Muhammad E'jaz Rasul Khan.  
Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Babu Khem Chand.  
Rai Bahadur Babu Ram Nath Bhargava.  
Kunwar Rajendra Singh.  
Kunwar Surendra Pratap Sahi.  
Rao Abdul Hamid Khan.  
Khan Bahadur Chaudhri Amir Hasan Khan;  
Nawab Muhammad Yusuf.  
Khan Bahadur Maulvi Fasih-ud-din.  
Khan Bahadur Munshi Siddiq Ahmad.  
Khan Bahadur Chaudhri Muhammad  
Rashid-ud-din Ashraf.  
Lieut. Raja Shaikh Imtiaz Rasul Khan.  
Raja Jagannath Bakhsh Singh.  
Sir Thomas Smith, Kt, v.d.

Motion agreed to.

**The Hon'ble the President :** There are similar motions in the names of Hafiz Hidayat Husain, Mr. Upadhaya, Pandit Nanak Chand, Thakur Sadho Singh and Rai Bahadur Thakur Hanuman Singh.

**Rai Bahadur Thakur Hanuman Singh :** My motion is quite different, Sir. If you will permit me I will move it.

**The Hon'ble the President :** Yes.

**Rai Bahadur Thakur Hanuman Singh :** I rise to move that the demand of Rs. 2,24,896 in respect of the item regarding total superintendence at page 60 of the Detailed Estimates be reduced by Re. 1.

Sir, by this motion I do not desire any reduction to be made in the amount provided in the Detailed Estimates. My object is to invite the attention of the Government and the honourable the Inspector-General of Police to certain matters which to my mind are of utmost importance, specially from the point of view of the people. We find that in the budget a large amount, which is given also in the motion, is provided for the superintendence of the Police department. At the same time I find that superintendence is so sack that the police force is going on to a very great extent in the same way as before. In this Council I had heard from Government benches that the morale of the force has improved a great deal. It may have improved to a certain extent, but the improvement is not commensurate with the increase in expenditure specially with the increase in expenditure under "Superintendence."

**The Hon'ble the President :** I take it that the honourable member is referring to the Inspector-General and Deputy Inspectors-General.

**Rai Bahadur Thakur Hanuman Singh :** My remarks are general.

**The Hon'ble the President :** I take it that the honourable member is referring to the deterioration in the morale of the Inspector-General and Deputy Inspectors-General.

**Rai Bahadur Thakur Hanuman Singh :** No, no, the morale of the lower grades.

**The Hon'ble the President :** We have not yet come to the lower grades of police.

**Rai Bahadur Thakur Hanuman Singh :** My point is that they should supervise their subordinates.

**The Hon'ble the President :** The Council has just decided that there is too much superintendence. We will proceed to the next motion, motion No. 9.

**Pandit Sri Krishna Dutt Paliwal :** I do not want to move it.

**The Hon'ble the President :** Motions Nos. 10, 11, 12, 13 and 14 -- I do not know to what items these motions refer.

**Mr. Mukandi Lal :** What about motion No. 10, Sir.

**The Hon'ble the President :** I do not know to what items motions Nos. 10 to 14 refer. But I do know to what item motion No. 15 refers. Consequently I take No. 15.

**Lala Mathura Prasad Mehrotra :** My motion refers to the Criminal Investigation department.



**The Hon'ble the President :** I know that, but I do not know to what item it refers.

**Lala Mathura Prasad Mehrotra :** The whole item.

**The Hon'ble the President :** Yes, I will take No. 15, in the name of Chaudhri Sheoraj Singh.

In the absence of the member the motion (No. 15) was considered to have been withdrawn.

**Mr. Zahur Ahmad :** I beg to move that the demand of Rs. 25,800 in respect of the item regarding the salary of Deputy Inspector-General at page 61 of the Detailed Estimates be omitted.

The Economy Committee unanimously reported about this office in so many words which, with your permission, I would like to read here :—" The committee are therefore unanimous in holding that it is not necessary to have a Deputy Inspector-General in charge of the Criminal Investigation department. The two branches of the Criminal Investigation department are in charge of specially selected superintendents who are usually experienced officers. They should be able to handle the work directly under the control of the Inspector-General of Police, who will be relieved of much work by the scheme of decentralization. The present system duplicates and delays work, for the assistant must surely be required to refer cases to the Deputy Inspector-General which they are competent to dispose of themselves."

In view of these remarks of the Economy Committee in which both officials and non-officials and men of very great experience who had held the office of District Magistrate and Commissioner have come to this unanimous opinion that this system duplicates work and hampers the smooth working of the Criminal Investigation department, I have only to say that the three assistants who are chosen to assist the Deputy Inspector-General of Police are the persons who are considered to be the best in the Police department. If in spite of this recommendation and in spite of the fact that the best and picked men in the Police department are taken as assistants, the post of Deputy Inspector-General is going to be retained in the face of a deficit budget and the disasters of the floods, I think it will be really very hard for the tax-payer to shoulder any new taxation or to think of any new loan. I therefore submit that in view of these facts and circumstances which I have enumerated, and also in view of the fact that the office of the Criminal Investigation department is going to be transferred to the office of the Inspector-General of Police at Allahabad, I think that the three assistants of the Deputy Inspector-General who are the picked men will be utilized to act as assistants to the Inspector-General to whom great compliment has been paid by the Hon'ble the Finance Member and about whose ability and experience we have not the least doubt and to whose work every one on the Government benches has paid great tribute. I hope the three best and picked men in the Police department will be able to carry on the work under the Inspector-General better in the Criminal Investigation department than a Deputy Inspector-General of Police sitting on their heads. I submit that as the post of Deputy Inspector-General of Police of the Railway department has already been reduced, I hope this post of Deputy Inspector-General of Police of the Criminal Investigation department will also be reduced.

With these remarks I hope the honourable members of this House will accept my motion.

**Chaudhri Sheoraj Singh :** I whole-heartedly support the motion before the House. The Economy Committee has unanimously recommended that the post of Deputy Inspector-General of the Criminal Investigation department should be abolished. My friend Mr Zahur Ahmad has already fully discussed the matter before the Council, and so I do not think it advisable to cover the same ground. I hope the House will accept the motion.

**Dr. Shafa'at Ahmad Khan :** I should like to put a few questions to the Government. The first question is this. Is it a fact that the office of the Irrigation department is going to be removed or has been removed to Lucknow? If so, would it not be possible to accommodate the office of the Criminal Investigation department in the office of the Inspector-General of Police? The Inspector-General of Police will be able to supervise the work of three assistants who will do all the work that is at present performed by the Deputy Inspector-General, Criminal Investigation department. I see no reason why those superior officers whose qualifications Mr. Ashdown recounted at the last meeting of the Council during the last budget debate, and whom he eulogized in very high terms indeed—I see no reason why those gentlemen—or if they are not there, men with similar qualifications—should not perform the functions which are performed at the present time by the Deputy Inspector-General. Moreover, I hear that some of the District Superintendents—I do not know if I can discuss this now—are stuck in their offices; they do little touring, and only about two of this tour about the province. The Deputy Inspector-General of the Criminal Investigation department does, I believe, the bulk of the touring. I suggest, therefore, that it is possible, and I should go further and say practicable, to abolish the office of the Deputy Inspector-General, Criminal Investigation department.

Then, the Council will remember that the Deputy Inspector-General of the Railway was abolished comparatively recently and no argument was adduced by the Inspector-General last year for the retention of this post.

Lastly, I will conclude with a reference to the report of the Economy Committee to which reference has been made, and I should like to point out that this recommendation was unanimous and was not confined to the non-official members of the committee, but was signed by all the members, official as well as non-official. The Economy Committee recommended the abolition of the Deputy Inspector-General of the Criminal Investigation department in no uncertain terms. In these circumstances, I strongly recommend the motion to the favourable notice of the House.

**Mr. A. D. Ashdown :** There seems to be some misunderstanding about the transfer of the office of the Criminal Investigation department from its present building, and I will deal with that first of all.

The office of the Criminal Investigation department in Allahabad, which is a large one, is housed at the present moment in a rented house close to the Imperial Bank, for which we pay about Rs. 3,000 or Rs. 4,000 a year. I understand the Irrigation department, which occupies the lower storey of my office, is being transferred and I am doing my best to get the lower storey for the Criminal Investigation department; that means an economy or a saving every year of Rs. 3,000 or Rs. 4,000. Well, I should like to point out to the Council that the Criminal Investigation department as an office will still be the same, whether it is up at the other end near

the police lines or whether it is in my office building. The amount of work will go on, and I suppose that any supervision which is necessary will have to be exercised, whether it is in the lower storey of my office building or in a separate building. But quite apart from that, owing to my duties in various places, I am seldom in Allahabad, and I may mention that I am more frequently in Lucknow in this Council than in Allahabad.

Now I will take up the other point. The proposal I understand is—I may have to repeat some of the remarks I made last year—that the Deputy Inspector-General, Criminal Investigation department, should be abolished; that each of the so-called assistants to the Deputy Inspector-General should run their own show under the supervision of the Inspector-General.

**Mr. Zahur Ahmad :** Are they in charge of different branches ?

**Mr. A. D. Ashdown :** Yes. But the branches do not at the same time work entirely separately. They co-ordinate their efforts between one another. I will now proceed. There is one difficulty about this. As I informed the Council last year (I was in charge of the Criminal Investigation department for nearly a year), the supervision of these three superintendents is a matter of some considerable labour and involves much time, and I can assure this House that it occupies the full and more than the full time of a full-time officer. If I had to add even an infinitesimal fraction of that to my present duties, instead of going away in October, I shall go away on the first of June. It is impossible to add to my labours even a fraction.

Now I will proceed to another point. As I explained to the House last year, there were three senior superintendents in charge of these three branches, and, if they are to be more or less independent except in small matters where the Inspector-General would exercise his power, which must be absolutely essential even in the case of the most senior officers in the province, it would gradually come to this, that there would be three Deputy Inspectors-General instead of one, as I said last year.

As I explained last year, I have not only to consider the Criminal Investigation department and the three officers in the Criminal Investigation department, but I have to consider seven large districts with important cities and a very large number of smaller districts, or I should say less important districts with slightly smaller cities. The number of senior officers for district charges is exceedingly small, and the officers who have now to be sent to Allahabad and Cawnpore, owing to senior officers going away, are comparatively junior officers, and therefore I cannot guarantee to either Government or this Council to put my most senior officers into the Criminal Investigation department.

Now, Sir, as an instance I may mention that an officer is now to go or has just gone to the Criminal Investigation department in charge of the general branch. He joined the service since I went to Rajputana, so he has certainly not got more than five years' service. Therefore it is quite impossible to put in a senior officer as a rule. Now I would like to point out, before I proceed to another point, that originally before a temporary 4th range Deputy Inspector-General was created there was a Deputy Inspector-General in charge of the Criminal Investigation department and the Railways, and therefore for the last and more than 25 years there have been four Deputy Inspectors-General. So that the abolition of the Deputy Inspector-General in charge of the Railways was really the abolition of a range Deputy Inspector-General, because in the originally amalgamated

[Mr. A. D. Ashdown.]

charge of the Criminal Investigation department and the Railways there was more work than an officer could satisfactorily do.

I would like to put another point to this House. The work dealt with by the Criminal Investigation department is of the greatest importance to the welfare of the province. The actual part of the Criminal Investigation department's duty relating to politics is infinitely small. It is only when politics degenerate into revolution or crime that the Criminal Investigation department has any concern with them at all. The main duties of the Criminal Investigation department are to deal with the advance in crime and methods of crime, which unfortunately develop on parallel lines with the advancement and civilization of any community. Instead of looking at the Criminal Investigation department as a bar or hindrance to political aspirations, it ought to be looked on as an insurance to the wealthy classes, the corporations, the industrial firms, etc., which play such an important part in the advancement of any community. If those are the proper functions of the Criminal Investigation department, I venture to say that supervision, guidance and advice from an officer of the rank of a Deputy Inspector-General is most essential. How can such crimes and such movements amongst the criminal classes be checked by a superintendent who may possibly have put in some 10 or 12 years' service. Further, I would warn the honourable members that if they put in very senior superintendents, the ultimate result will be that they will be creating three Deputy-Inspectors-General instead of one.

The chief complaint of the honourable members opposite against the Criminal Investigation department is that they abuse the functions which I have described. We all know that abuses do occur, but I think the honourable members will agree that they can be stopped. It seems to me extraordinary that my honourable friends should desire to remove that close supervision from the Criminal Investigation department without which, it is obvious, that those abuses will and must increase. Finally, I would like to emphasize, before I resume my seat, the fact that if this supervision and direction in administration is to be exercised by me instead of by the Deputy Inspector-General, I can assure every member of the House that it is absolutely impossible.

**Mr. Mukandi Lal :** Mr. Ashdown has pointedly directed his remarks to our benches (swarajist) and happily in replying to this motion he has given a general turn to the debate. I had a mind to speak in general on the Criminal Investigation department later on, but as the debate has already taken a general turn, I hope you, Sir, will permit me to make a few general remarks. I am very glad to bring to the notice of this House the fact that Mr. Ashdown and his honourable colleague, the Hon'ble the Home Member, realize that this Council is not really opposed to the Police department as such. In their report of 1923 (the new report has not yet come out) they refer to the attitude of the Council. The Inspector-General of Police says :—

“ I was led to expect bitter criticism of, and fierce hostility to, all police work or proposals. Criticism, there must and should be, but it has never been bitter, and has often been not only justified, but of assistance to me and my officers in our endeavours to keep the department clean, honest and efficient. As to hostility, I have received at the hands of the Council the most

patient and sympathetic hearing and consideration whenever it has been my duty to place before members the needs or difficulties of the department which I have the honour to command."

Now, Sir, I should like to submit that the discussion that has been going on since this morning also shows that we are all anxious to purge the department of the abuses which are alleged to be existing in it. With regard, however, to the attitude of the party to which I have the privilege to belong, I may merely invite the attention of the Council to the following complimentary remarks of the Inspector-General, namely, "the swarajist successes at the elections were due to the superior electioneering organization." Last year also, it will be within the recollection of the Council, we attacked the Police department, and especially the Criminal Investigation department, because we want the latter to shake off all the unpopularity that it has of late assumed.

Mr. Ashdown represents the ancient kotwal, who used to take a lump sum for preserving peace and catching thieves and restoring stolen property.

**The Hon'ble the President :** The honourable member, I am perfectly aware, prefaced his remarks by saying that he would be a bit out of order, and I find that now he is drifting into a general discussion of the Police department. If he will exercise a little patience, he will have an opportunity to do so a little later. Meanwhile, he should confine his remarks to the three motions which are before the Council.

**Mr. Mukandi Lal :** If honourable members will turn to the Detailed Estimates they will find that there are three assistants to the Deputy Inspectors-General in the Criminal Investigation department and that they are all senior officers, with service ranging from 1904 to 1909.

**Mr. A. D. Ashdown :** One of them has not more than five years' service.

**Mr. Mukandi Lal :** In any case I think these assistants to the Deputy Inspectors-General can very well do the supervision work which is done by the Deputy Inspectors-General themselves. Mr. Ashdown says that they need to be looked after, which by implication means that they are not competent, but my humble submission is that when they are sufficiently senior men they ought to be able to look after themselves and the work they are entrusted with.

**Rao Abdul Hamid Khan :** I rise to oppose the motion. I do not think that it will be at all wise on the part of the Council to recommend the abolition of the higher posts in the police, especially when we are not satisfied with the working of the department as a whole. In order therefore to keep a check on the police, and for the purpose of supervision, it is highly desirable that these posts should be retained. For these reasons I oppose the motion.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** In the Political branch of the Criminal Investigation department certain defects were found to exist with regard to the reporting and translation of speeches on which prosecutions were based, as the result of which the persons concerned were unduly molested. It was, therefore, found advisable that the whole matter be carefully examined by a committee. For this purpose the committee was authorized to go into this department. The people who

[The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.] composed it were by no means saints, and so their decisions could not be binding on the Government. In administrative matters the findings of a committee of that kind cannot be considered as final. We never appointed that departmental committee with a view to say anything against the decisions of the Economy Committee. We even never anticipated what would be the decision of the Economy Committee when we appointed that departmental committee.

**Mr. Zahur Ahmad :** Otherwise that would not have been appointed.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The honourable member is wrong. We never knew what would be the recommendations of the Economy Committee. We appointed the departmental committee, as I have said before, because there were certain inherent defects in the administration of the department and we wanted to remove those defects.

**Mr. Zahur Ahmad :** When was it appointed ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The committee was appointed at the end of 1922.

**Mr. Zahur Ahmad :** Was the scheme sanctioned by the Finance Committee ?

**The Hon'ble Mr. S. P. O'Donnell :** The proceedings of the Finance Committee, I take it, cannot be referred to in this Council.

**Dr. Shafa'at Ahmad Khan :** Sir, they were referred to in 1923. It was pointed out that the scheme was sanctioned . . .

**The Hon'ble the President :** If they were referred to in 1923, we were younger then. We have grown older and wiser now.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The Deputy Inspector-General of the Criminal Investigation department has got most important duties to discharge. He has got to look after three branches of this department, and I for one will never be satisfied to leave matters of importance to those officers who are in charge of different branches.

**Mr. Zahur Ahmad :** Under the supervision of the Inspector-General of Police ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No. It is impossible because the Inspector-General of Police is in charge of the whole civil police department. It is taken so lightly that it seems to me that the Inspector-General of Police has got so much less to do that he can discharge the duties of the supervision of every branch of the Police department. I am most surprised to hear such impracticable suggestions from Mr. Zahur Ahmad whose uncle had been one of the prominent members of that department.

**Mr. Zahur Ahmad :** That is why I know all that.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** I am surprised that he has wholly misunderstood, and it seems to me that he does not know anything.

**Mr. Mukandī Lal :** His uncle did not divulge the secrets.

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Then he has been an asset to your party. I will also make a suggestion. Honourable members who are anxious to put this matter for the consideration of the Government in future may postpone it 1926, that is when the new member will take charge of this office. So far as I am concerned, I am convinced of the desirability of the proposal, but the new member may be able to concede, though I am quite sure that as one in charge of such an important department he would also, like myself, hesitate to accept this proposal.

**Pandid Nanak Chand :** May I put a question to the Hon'ble the Home Member ? Was Mr. Elliott, who was Secretary of the Economy Committee, a member of the departmental committee ?

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Yes. But he never recommended that. He never even suggested that.

**Pandit Nanak Chand :** May I say a few words about the Economy Committee ?

**The Hon'ble the President :** Yes, if the honourable member has not already spoken on the motion.

**Pandit Nanak Chand :** The Hon'ble the Home Member has referred to the findings of the Economy Committee and said that the Council appears to be anxious to give undue importance to the recommendations of this committee as if it were a god-sent committee, and so on. I wish to point out that we had Mr. Elliott as Secretary of the Economy Committee, who was also a member of the departmental committee to which the Hon'ble the Home Member has referred. The proceedings of the Economy Committee are not like those of the Finance Committee ; and I do not think I would be divulging any secret if I say before this House that the committee had the opportunity of discussing the whole thing with Mr. Elliott, and it was after discussing the question at great length with Mr. Elliott that the committee came to the unanimous conclusion. When we were discussing the question of the reduction of the post of one of the Range Deputy Inspector General, it was pointed out that the recommendation for the reduction of the Range Deputy Inspector-General was the recommendation exclusively of the non-official members, as if there was some peculiar saving grace in the official members being required to agree with the non-official members. In the present case we find that the recommendation was unanimous and was agreed to by the officials as well as by the non-officials. We should expect that the Government would have the good grace of accepting this reduction with a view to show some regard to the views of the official members and to give effect to their views.

**Babu Mohan Lal Saksena :** I was really admiring the simplicity of our Inspector-General when he was pleading the cause, a forlorn cause of a Deputy Inspector-General for the Criminal Investigation department. Sir, when the Inspector-General of Police failed to convince the members of the Economy Committee of the necessity of this high official, when the Police department failed to convince Mr. Fremantle, Mr. Oakden, Mr. Silver and other members of the committee, I think it is too much to expect that he would be able to bring round the whole House to his view,

**Mr. A. D. Ashdown :** May I just tell the honourable member that I had no opportunity of satisfying the Economy Committee ?

**Babu Mohan Lal Saksena :** I said the Inspector-General and not Mr. Ashdown. I presume his predecessor must have had as much experience of the department as the present Inspector-General claims to have, or he must have had at least as much interest of the department at heart as he now claims to have. Again, Sir, the Hon'ble Raja Sahib has said that the departmental committee recommended the retention of this post. The Hon'ble Raja Sahib depends more upon the opinion of this departmental committee because it was appointed by the department. I think it is up to the Council that it should depend more upon the recommendations of the Economy Committee and to see that these recommendations are carried out. This committee was appointed in deference to a resolution of this very Council. The members of the committee have said :—

“ We are unanimous in recommending that the post of Deputy Inspector-General in the Criminal Investigation department should be reduced, and the large increase in the cost of the Criminal Investigation department in the last ten years gives additional support to our view.”

Sir, this special pleading on the part of the Hon'ble Raja Sahib and the Inspector-General of Police reminded me of the teacher of Goldsmith's "Deserted village" who argued though vanquished. Again, Sir, the Inspector-General has enumerated the duties of the Criminal Investigation department and said that the Criminal Investigation department devoted special attention to political activities only when they verged on revolutionary activities. I hope the honourable members of this House must not have forgotten the confession which the Hon'ble the Home Member made last year that before he became Home Member, before he was elevated to this high office, he was being watched by the members of the department over which he has the honour to preside today and for whose claims he is making a special pleading. I beg to ask if he was watched because he was then conspiring with Afghanistan, with foreigners, or was he trying to bring about a revolution in the country by rousing the masses ? So these special platitudes for the retention of this Deputy Inspector-General for the Criminal Investigation department cannot influence the members of this honourable House, and I hope that they will just see that the recommendations of the Economy Committee which was appointed in deference to their resolution are carried into effect. Whenever any post is recommended by this Council to be reduced, the officers or the heads of departments come out with special pleadings and depict a picture of the department going to the dogs if that officer whose post is recommended to be abolished is reduced. This was the case when it was recommended by the Economy Committee to reduce the post of the Deputy Inspector-General of Railways, but that post has been abolished and the work is going on satisfactorily. Let the Hon'ble Raja Sahib make an experiment for one year at least, and I think one year is not a long time, and if he finds that the work cannot go on, then he can come forward with a proposal next year and we will allow him to have the satisfaction of having a Deputy Inspector-General for the Criminal Investigation department.



The question was put and the Council divided as below :—

*Ayes* (40).

Babu Narayan Prasad Arora.  
 Babu Sangam Lal.  
 Babu Mohan Lal Saksena.  
 Babu Damodar Das.  
 Babu Bhagwati Sahai Bedar.  
 Thakur Manjit Singh Rathor.  
 2nd-Lieut. Chaudhri Balwant Singh.  
 Chaudhri Jaswant Singh.  
 Chaudhri Sheoraj Singh.  
 Pandit Nanak Chand.  
 Lala Babu Lal.  
 Thakur Rajkumar Singh.  
 Thakur Shib Narayan Singh.  
 Rai Amba Prasad Sahib.  
 Lala Dhakan Lal.  
 Babu Nemi Saran.  
 Chaudhri Badan Singh.  
 Rao Sahib Kunwar Sardar Singh.  
 Thakur Sadho Singh.  
 Pandit Brijnandan Prasad Misra.

Pandit Bhagwat Narayan Bhargava.  
 Pandit Jhanni Lal Pande.  
 Thakur Har Prasad Singh.  
 Lieut. Raja Durga Narayan Singh.  
 Pandit Sri Krishna Dutt Paliwal.  
 Babu Parsidh Narayan Anad.  
 Babu Dip Narayan Roy.  
 Bhaya Hanumat Prasad Singh.  
 Pandit Govind Ballabh Pant.  
 Pandit Hargovind Pant.  
 Mr. Mukandi Lal.  
 Babu Ram Chandra Sinha.  
 Babu Bindeshwari Prasad.  
 Rai Bahadur Babu Shankar Dayal.  
 Maulvi Zahur-ud-din.  
 Maulvi Obaid-ur-Rahman Khan.  
 Dr. Shafa'at Ahmad Khan.  
 Saiyid Muhammad Ashiq Husain.  
 Lala Mathura Prasad Mehrotra.  
 Dr. Ganesh Prasad.

*Noes* (34).

The Hon'ble Mr. S. P. O'Donnell.  
 The Hon'ble Raja Sir Muhammad Ali  
 Muhammad Khan, Khan Bahadur.  
 The Hon'ble Lieut. Nawab Muhammad  
 Ahmad Sa'id Khan.  
 The Hon'ble Rai Rajeshwar Bali.  
 Mr. G. B. Lambert.  
 Mr. E. A. H. Blunt.  
 Kunwar Jagdish Prasad.  
 Mr. G. B. F. Muir.  
 Mr. A. C. Verrières.  
 Mr. C. E. D. Peters.  
 Mr. J. R. W. Bennett.  
 Mr. S. H. Fremantle.  
 Mr. R. Burn.  
 Mr. B. J. K. Hallowes.  
 Mr. C. M. King.  
 Mr. F. F. R. Channer.  
 Mr. A. D. Ashdown.

Colonel A. W. R. Cochrane.  
 Mr. A. H. Mackenzie.  
 Mr. G. Clarke.  
 Raja Bahadur Brij Narayan Rai.  
 Mr. H. David.  
 Rai Jagdish Prasad Sahib.  
 Rai Bahadur Babu Ram Nath Bhargava.  
 Kunwar Rajendra Singh.  
 Rai Bahadur Thakur Mashal Singh.  
 Kunwar Surendra Pratap Sahi.  
 Rao Abdul Hamid Khan.  
 Khan Bahadur Chaudhri Amir Hasan  
 Khan.  
 Khan Bahadur Maulvi Fasih-ud-din.  
 Khan Bahadur Munshi Siddiq Ahmad.  
 Mr. St. George H. S. Jackson.  
 Lieut. Raja Shaikh Imtiaz Rasul Khan.  
 Sir Thomas Smith, Kt., v.d.

Motion agreed to.

**Mr. Zahur Ahmad :** I beg to move that the demand of Rs. 40,080 in respect of the item regarding salaries of deputy superintendents of police at page 61 of the Detailed Estimates be reduced by Rs. 20,040 to lower the number of deputy superintendents from six to three.

The object of my motion is only to reduce the number of deputy superintendents of police in the Criminal Investigation department from six to three. The newly added deputy superintendents in the Criminal Investigation department are mostly doing clerical work. They are sitting there in the headquarters without going on tour. They are practically doing nothing except sitting at a table and writing despatches. This work can very easily be done by competent clerks or competent graduates who can very easily be got on a lower pay. Besides the three competent assistants and the paraphernalia of inspectors, sub-inspectors, head constables and constables, I think that these very highly paid clerks in the Criminal Investigation department under the magnified name of deputy superintendents are really a wasteful item of expenditure. With these remarks I hope that this motion of mine will be accepted.

**Mr. A. D. Ashdown :** Before the re-organization scheme there were four deputy superintendents in the Criminal Investigation department. I think the members of this House will remember that the general idea of the re-organization scheme was to reduce the number of the lower subordinate officers—we actually reduced them from 67 to 54 last year and 53 this year—and to increase the experience, ability and specialization at the top. Now my honourable friend the mover has referred to the six deputy superintendents who are at present in the Criminal Investigation department. One deputy is an understudy to the Deputy Inspector-General in the Special branch. I admit that officer goes on tour very little, but his work is of great importance and the work in the Special branch is very considerable. That officer has always been there and it has always been found necessary to have that officer there. There is one deputy superintendent who is looked on as a specialist in revolutionary crimes and crimes of conspiracy. That officer is not employed on clerical work, but is employed on watching and investigating and inquiring into all matters in co-operation and co-ordination with the Bengal police. I think it will be admitted by all members of this House that there is a very considerable conspiracy in Bengal, in fact that has been admitted by the leader of my honourable friends opposite. That officer is engaged in seeing that that conspiracy and that anarchism do not, so far it is humanly possible, spread into these provinces. Well, we have already had an instance of it having spread, and in the opinion of the court it was so, and resulted in conviction. There is a deputy superintendent who is an assistant in the general branch. The officer in charge of the general branch, besides doing general administration, is the officer who really replaced the special officer originally in charge of criminal tribes, and he has also under his control the Finger Print Bureau. His deputy superintendent is available to go round to the settlements, supposing the officer is unable to go himself, or, if the officer goes himself, to look after his work while he is absent. We have an officer, a deputy superintendent who is in charge of coming, forgery and notography in which he is an expert, an admitted expert. Another deputy superintendent is a specialist in the prosecution of crime. And he is also our legal adviser in matters in which points of law come up and which we do not refer to the Legal Remembrancer. I may remind the House that that officer conducted the prosecution of the Lucknow Imperial Bank fraud case. There is one officer who is directly engaged in the Investigation department, and he also is available for the investigation of cases. I may tell the honourable members of this House that it very frequently happens that these expert investigators are not available when we receive reports of important cases which have to be looked into. These are the duties allotted to the six deputy superintendents and cannot therefore be said that they are doing the work of clerks—they most emphatically are not. The Special branch officer is not doing the work of a clerk. I admit that the main part of his duty is of a clerical nature, but it is very important—and it seems to me that it would be very retrograde if having agreed to the general principle of the reorganization of the Criminal Investigation department—which I think no member of this House disagrees with—I think, I say, it would be a very retrograde step to go back on that principle and reduce the number, while even if the honourable mover's intention is to put in other officers to do the work, we would go back to the original situation. I think that cannot be the real intention of the House.

**Dr. Shafa'at Ahmad Khan :** The Inspector-General of Police has referred to the Police Re-organization Committee. I should like to know by whom the committee was sanctioned? A scheme was drafted with regard to the proposals underlying the re-organization of the Criminal Investigation department. The Inspector-General mentions that it has been agreed by the Council. I do not think that the matter came up before us. It did come up in the budget debate for 1923, but the members complained that they were not taken into the confidence of the Government with regard to the principles on which the re-organization of the Criminal Investigation department was effected. I have the speeches here, and there it was distinctly asserted that the Finance Committee was not consulted with regard to all the details of the scheme. It may have been later on. Mr. Ashdown says that he admits that there is one or probably more than one person who is doing work of a purely clerical character. I hope he will correct me if I am wrong. If that is so, I should have thought that he would employ a person who is not so costly and who is not so expensive to the department who can do this work as well and better than the person who is doing this clerical work to which he refers. Then, Sir, it has been said that the work is of a special character. I happen to live in Allahabad and I come across a number of persons connected with the department, and I say here that four persons can do that work as well and better even than the six persons now employed in the Criminal Investigation department. So I strongly support the motion proposed by my friend Mr. Zahur Ahmad.

**The Hon'ble Mr. S. P. O'Donnell :** Dr. Shafa'at Ahmad Khan has referred to the budget debate of 1923. I have not been able to obtain at the moment copies of the proceedings, but I think if the honourable member will refer to them he will find that a suggestion was then made that Government had undertaken that the case should be laid before the Finance Committee.

**The Hon'ble the President :** I have consistently deprecated references to past debates. Honourable members seem to think that they can bring in cupboards full of old debates and proceed to produce skeletons from them. I think it would be far better to confine ourselves to the present motions—they are quite numerous enough, more than we can dispose of in the allotted time. This is not with reference to what the Hon'ble the Finance Member is saying, because he was not the first to refer to the matter. It is a general remark. By referring back to year after year our proceedings will grow with the growth of years. It is adding further fuel to the fire.

**The Hon'ble the Finance Member :** In that case I will not refer back to the events of 1923. I will merely observe that a suggestion was then made that we had not carried out an undertaking. I explained that the last thing we desired was that there should be a suspicion that we had not done what we had undertaken to do, and the debate was postponed; the matter was brought up on a subsequent date and the Council were entirely satisfied with the procedure adopted. What the honourable mover does not realize is that the essence of the re-organization which was carried out in 1923 was the substitution of a much smaller but much more efficient staff for the original staff. We got rid of practically all constables except a few orderlies; we got rid of head constables, of sub-inspectors, except those in the Finger Print Bureau and those who were reporters; and we substituted for this large and in some respects inefficient force a very small number of

[The Hon'ble the Finance Member.]

officers. All these officers are doing very valuable work. Only one deputy superintendent is employed on political work in the narrower sense of the term; the others are employed on the investigation of special crime. They have normally no more to do with political crime than the Criminal Investigation department of Scotland Yard. They are specialists in the investigation of crimes of a specially difficult or complex character. In every country in the world I believe you will find that there is a special organization of this kind. There is certainly a special organization at Scotland Yard which is used for the investigation of any crime which is of special difficulty. And the staff which we maintain in these provinces is not larger than that entertained in other provinces or in other countries.

Motion by leave withdrawn.

[The Council here adjourned for lunch. After the adjournment the Deputy President took the Chair.]

**Pandit Jhanni Lal Pande:** I beg to move that the demand of Rs. 1,29,960 in respect of the item regarding executive subordinate (establishment) at page 61 of the Detailed Estimates be reduced by Rs. 29,960.

I do not know whether the Home Member would accuse the Finance Secretary for having disclosed the "confidential operations" of the Criminal Investigation department by giving at the foot of page 61 of the Detailed Estimates the item "Rs. 31,800 on account of duty allowances," because, you will remember, Sir, only the other day when my friend Mr. Bhagwat Narayan Bhargava wanted to know how much money was spent on shadowing persons for political reasons in the province, the answer was given that Government must decline to give any information regarding the confidential operations of the Criminal Investigation department. Then, again, the Hon'ble the Home Member said: "I am not prepared to make any further statement in this connection. Reply to the question as to how much money has been spent on the purpose will mean some disclosure of the secret." But we find that no less than Rs. 31,800 has been put down as allowances to these Criminal Investigation department inspectors. I may tell you, Sir, that if this is not a clear waste of the poor tax-payer's money, then there will be found no other instance in which it can be urged that money is being wasted. I may relate to the House only one incident out of so many. There is one Pandit Krishna Gopal Sharma of Jhansi whose movements are watched by a Criminal Investigation department inspector. And this Criminal Investigation department inspector had the audacity to suggest to him that he should go to Bombay because the Criminal Investigation department inspector will get a second class fare which he (inspector) is willing to share with Mr. Sharma. If that is the way in which this money is going to be spent, it is better that this money should remain "confidential" and not shown in the budget.

**Mr. A. D. Ashdown:** I would like to inform honourable members of this House that although, as a matter of principle, Government decline to give any information about the activities of the Criminal Investigation department, I assure the members of the House that no member of Council in these provinces is shadowed by the Criminal Investigation department. Unfortunately this thing happened regarding Mr. Arora—I do not find him here, but I saw him in the waiting-room, and he told

me that the same thing had occurred again this morning. I understand the complaint was that wherever he goes they take his ticket number and his destination. I have found out that this is done by the district police, not by the Criminal Investigation department, and it is entirely improper.

**Pandit Govind Ballabh Pant :** May I inform the Inspector-General of Police that Mr. Mohan Lal Saksena has told me that he is being treated in the same manner.

**Mr. A. D. Ashdown :** I do not think Mr. Saksena has told me this, otherwise it would have received my attention. I may remark that this so-called shadowing is not done by the Criminal Investigation department. In addition to that it is entirely unauthorized, and it will not occur again. I should like to say that I thoroughly sympathize with Mr. Saksena and Mr. Arora because during the last eight years when I have gone on the line the police take my ticket number and my destination.

Regarding the reduction proposed by the honourable mover, he referred to the allowances of the inspectors. I think it is known to the Council that officers employed in the Criminal Investigation department on account of their expert knowledge and their hard life do get certain allowances. As regards the story of the honourable member—I did not catch the beginning of it, that somebody, some inspector of the Criminal Investigation department, wanted a man to go to Bombay and thereby wished to secure a second class or three-fifth second class fare extra as travelling allowance. I may say that it was entirely improper. It is absolutely disapproved of and if it came to my notice as Inspector-General, the officer concerned, who is also making a profit out of his travelling allowance which he ought not to do, would have been very severely punished. I hope the honourable member will be able to withdraw his motion.

**Dr. Shafa'at Ahmad Khan :** There is one point in the speech of . . .

**The Deputy President :** Is the honourable member speaking on his motion, No. 28 ?

**Dr. Shafa'at Ahmad Khan :** I wish to speak on the motion moved by Mr. Pande. Its covers the same point. One point was not mentioned by Mr. Pande and that was that in the Criminal Investigation department at the present time, if I am not mistaken, there are several sub-inspectors who are employed as finger-print experts. I raised this question last year and pointed out that this work was done by trained clerks and the Finger Print Bureau in Simla. I know that the Finger Print Bureau has been abolished. This work is now done by the Criminal Investigation department in these provinces. But I think that if clerks could be trained for this purpose, if the sub-inspectors who are getting an allowance of Rs. 30 a month and a Criminal Investigation department allowance of Rs. 15 a month as house rent, making a total of Rs. 45 extra a month, in addition of course to their salary, if these sub-inspectors could be sent back to districts and if only the clerks are employed for this work, I am certain the work could be conducted with the same efficiency and with the same facility. I would again ask Mr. Ashdown to re-consider the matter and tell us if it is possible to employ more clerks instead of sub-inspectors for this work.

**Pandit Bhagwat Narayan Bhargava:** I am glad to be informed by my honourable friend the mover that he will not withdraw the motion. I rise to support it. I wish to point out that the number of sub-inspectors or inspectors for which provision has been made in this budget is neither economical nor useful. I submit that I know of inspectors and sub-inspectors stationed not only in a district but also in small tahsils for Criminal Investigation department work. I am surprised to find that sub-inspectors have been thought fit to be stationed even in small tahsils. They simply waste their time there. They have, I believe, no specific duty which they are required compulsorily to discharge every day. So I wish that this motion should be pressed in order to reduce the number of sub-inspectors and inspectors.

The other point which I wish to refer to is in connection with the same gentleman about whom my friend Mr. Pande made a reference, viz., Pandit Krishna Gopal Sharma, Secretary of the District Congress Committee, Jhansi. I may inform the Inspector-General of Police that there has been a case in connection with this gentleman which amounted to criminal misappropriation by some Criminal Investigation department officer. If evidence is required in that case he can very well get not only oral, but documentary evidence.

I referred to that case in a question of mine, but it was not answered by the Hon'ble the Home Member as the matter was confidential. I again repeat it today, that the Secretary of the District Congress Committee, Jhansi, Mr. Sharma got an insured cover containing currency notes worth Rs. 500 from Pondicherry. That cover was not delivered to him but some officer, I believe from the Criminal Investigation department, signed it for the Pandit and took the cover. I do not know whether the money was deposited in the Government treasury or whether it was returned to the remitter. Then Mr. Sharma wanted to institute a case against the Government for the recovery of this money. I advised him to get the receipt from Pondicherry. He wrote a letter to Pondicherry. The registration receipt was sent by the remitter per registered post, but that receipt too was received by some officer signing the name of Mr. Sharma. If it was not taken by some Criminal Investigation department officer let the Government say so definitely that they had nothing to do with it. Let them make inquiries and if they find that a Criminal Investigation department officer took the money without any authority let them prosecute that officer. If the Government say that it was done with their consent, let the Government explain its own conduct.

I strongly support the motion for the acceptance of the House.

**Mr. A. D. Ashdown:** I shall first deal with the question raised by Dr. Shafa'at Ahmad Khan. I dealt with this question last year and I tried my best to convince the honourable doctor both then and yesterday that his proposition was not a practicable one. It is true that the Simla Criminal Investigation department was run by clerks. It is also true that it is mostly uneconomical to employ clerks and I shall explain why. The honourable doctor is probably unaware that there is a Finger Print Bureau in every province in India, except the Central India Agency, which has been absorbed by the Rajputana Agency. The work of the Finger Print Expert is so trying to the eyes that—there are exceptions—we have always found it necessary, as a general rule, to transfer the men employed after five or six years because the eyes begin to give trouble and there is great danger of a loss of eyesight. It takes six months to make an expert and with one or two

exceptions a man is useful for about four and a half years or an average of five. Now we have several thousand sub-inspectors to draw on in these provinces. We have a few hundred clerks to draw on. The work is very trying, it is very uninteresting after you have learnt the points of interest about it and you cannot expect one man in a hundred to do it all his life even if he could. I venture to say that the sub-inspector who is receiving his ordinary sub-inspector's pay—I think the average pay is Rs. 110 in these provinces—in addition to which he gets an allowance in Allahabad, chiefly for expensive living, being at headquarters, I venture to say that even supposing it was not uneconomical you would not be able to get a clerk on less who would be willing to devote his attention and labour to that work during the whole of his life; also I should like to point out that the work is extremely arduous and responsible and we insist that a man is severely punished if he makes a mistake. Members of the Council will realize the position if he were to make a mistake and a heinous crime was brought home to a criminal who had not actually committed it. I can assure the honourable member that it would be more expensive and more wasteful and certainly not equally efficient.

I now turn to the objections raised by my honourable friend on the opposite bench. I should like to remove a misconception first of all. There is no Criminal Investigation department in the districts. There are a certain number of officers and men in each district, who have always belonged to the district police, and who are employed on what we call district intelligence work. Therefore, I do not quite understand the honourable member when he referred to some tahsil—I think he did, I was not listening very attentively at the time—I can certainly assure him that the officers of the district intelligence staff are employed at the headquarters of districts unless necessity arises for their services elsewhere. They are not Criminal Investigation department men; they always have belonged to the district police. I find there is a motion on the same subject from my honourable friend opposite, therefore I do not propose to say anything more on this point at the present moment. As regards the specific instance which my honourable friend opposite mentioned, I have no personal knowledge of the matter, but as Government replied the other day, we, that is the Government, are unable to give information regarding the activities of the Criminal Investigation department. At the same time it seems to me that if the person who underwent this experience—I did not hear his name—has anything to say about it, he should put in an application or a complaint to me instead of bringing it up indirectly on the floor of this House.

**Pandit Bhagwat Narayan Bhargava :** Can the Government make no inquiry without an application?

**Mr. A. D. Ashdown :** I should like to know the facts about the case.

**Pandit Govind Ballabh Pant :** I do not want to make any speech. I have only to invite the attention of the House to one or two points which I have not been able to follow. Firstly, the system of duty allowance does not seem to me to be a very just one. The members of public services have to discharge their duty, I think, honestly, industriously and zealously in whichever situation they may be placed. I do not think there can be much difference between a man working in the Criminal Investigation department and a man in the regular police. He must be getting, I believe, his travelling allowance and halting allowance according to the rules when he goes about as a member of the Criminal Investigation department. If it were

[Pandit Govind Ballabh Pant.]

not so, perhaps there would be no reason for the ingenious suggestion proceeding from the gentlemen referred to for a journey to be made in comradeship to Bombay. The question that I have not been able to understand altogether is this, that if you will be pleased to look at page 61 of the detailed estimates, against executive subordinates—C—Rs. 5,400 were included on account of allowances last year. This year under B—Rs. 31,800 have been included on account of duty allowance. I do not know if an allowance is exactly the same thing as a duty allowance, but the fact is that this footnote which relates to these two items, that is Rs. 5,400 for one year and Rs. 31,800 for the other, makes it unintelligible to a man who is not in the confidence of the department as very few of us can be said to have the confidence of such a confidential department. So I hope Mr. Blunt will throw some light on this point.

**Mr. E. A. H. Blunt :** The printer's devil again. The (c) in respect of Rs. 1,32,060 is wrong. The (c) is against Deputy Superintendents of Police, and that is the only right (c). Here it should be (d). Now "duty allowance" is an unfortunate term, because it causes the House to mix it up with house rent, travelling and other allowances. It is not an allowance at all. Its proper name under the Fundamental Rules is special pay. It is given on account of the specially arduous and responsible nature of the work of the post. I may also point out that it is also drawn in many cases by ordinary police. If the honourable member will look at page 62, he will find that there is a sum of Rs. 3,78,000 for allowance to constabulary alone. Though it is described here merely as an allowance, it means "duty allowance" the use of the word "allowance" is very loose. In all these cases, the proper term should be "special pay" under the new rules.

Motion negatived.

**Dr. Shafa'at Ahmad Khan :** I beg to move that the demand of Rs. 30,809 in respect of the item regarding clerks at page 61 of the detailed estimates be reduced by Rs. 8,000.

This item includes two sub-items. In the first place it includes a part of the men in the nucleus of the newspaper branch of the Criminal Investigation department which I should like to be transferred to the Secretariat. My suggestion is that six men out of 31 clerks in addition to the number already sent should be absorbed by the Secretariat. In the next place this item also includes six shorthand reporters. I hope my friend Mr. Ashdown will correct me if I am wrong.

**Mr. A. D. Ashdown :** The shorthand writers are included in the executive subordinates for which a sum of Rs. 1,29,000 is provided.

**Dr. Shafa'at Ahmad Khan :** This means that I cannot move my motion. I hope the budget will be more detailed next year. In Madras they get much fuller information. Here we are absolutely in the dark where one item is smuggled and another concealed.

Motion by leave withdrawn.

**Babu Mohan Lal Saksena :** I move that the demand of Rs. 30,809 in respect of the item regarding establishment (clerks) at page 61 of the detailed estimates be reduced by Rs. 5,000.

If honourable members will turn to the detailed estimates, they will find that last year a provision of Rs. 32,568 was made under this head, and



though this year a number of clerks are being transferred to the Secretariat, a sum of Rs. 30,809 is still provided.

I wish to inquire from the Inspector-General of Police whether the clerks proposed to be transferred to the Secretariat have been provided for in the Secretariat budget or not. For if their salaries are charged in that budget, there should have been a corresponding reduction of about Rs. 8,000 under this head in this department.

**Mr. A. D. Ashdown :** I should like to refer the honourable member to page 2 of the note that was circulated by me the other day for the information of the Council. The difference of Rs. 1,759 against "clerks" represents a net saving on a decrease of Rs. 2,695 due to the reduction of two posts of translators and increases of Rs. 576 to meet the cost of increments due to stenographers and translators and Rs. 360 to meet the cost of a revised scale of pay which it is proposed to sanction for the head clerk and accountant of the Criminal Investigation department on the same scale as sanctioned to head clerks and accountants of the district police. I may, however, remark that the other day the Government announced that they would take the temporary loan of another translator from the Criminal Investigation department, and if his pay is to be included in the Secretariat budget, there will no doubt be a saving of Rs. 1,236 under this head. I therefore move that for the sum of "Rs. 5,000" a sum of "Rs. 1,236" be substituted.

Amendment agreed to.

Motion, as amended, agreed to.

**Babu Bhagwati Sahai Bedar :** I move that the demand of Rs. 1,61,193 in respect of the item regarding establishment at page 61 of the detailed estimates be reduced by Rs. 4,000.

If we compare the figure of this year with that of last year under this head, we find that there is a difference of about Rs. 4,000. May I know what this is due to?

**Pandit Govind Ballabh Pant :** As compared to the figure for the year 1923-24, the difference is of Rs. 15,000.

**Mr. A. D. Ashdown :** As regards the difference of Rs. 15,000 between the figure of this year and that of 1923-24, I may say, as explained to the Council some time ago, that this was due to the reorganization scheme which was brought into force in the Criminal Investigation department so late, with the result that senior officers were not appointed till between September and the end of December, 1923, and consequently there was a considerable saving. As regards the present year I would call the attention of the honourable member to the budget estimate of Rs. 1,70,064. As regards the revised estimate that has been prepared by Mr. Blunt I am afraid I do not know how he makes out a saving of Rs. 13,000!

**Mr. E. A. H. Blunt :** I myself have no idea how this revised estimate has been calculated. It has been prepared by the Police department. This budget and the revised were prepared by the Accounts department of the Police office who were new to the work, and I have had great difficulty in putting the figures right in consequence. But I am convinced that the revised estimate was underestimated; in fact I had to increase it by 2½ lakhs on the total.

**Babu Bhagwati Sahai Bedar:** I think that the reply is not at all satisfactory and I hope the Government will accept the reduction

The question was put and the Council divided as below :—

*Ayes* (32).

Babu Narayan Prasad Aloia.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Thakur Shub Narayan Singh.  
Rai Amba Prasad Sahib.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.

Pandit Bhagwat Narayan Bhargava  
Pandit Jhanni Lal Pande.  
Thakur Har Prasad Singh.  
Lieut. Raja Durga Narayan Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant  
Pandit Haigovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Babu Bndeshwar Prasad.  
Mr. Muhammad Zahur Ahmad.  
Maulvi Zahur-ud-din.  
Rao Abdul Hamid Khan.  
Dr. Shafa'at Ahmad Khan.

*Noes* (33).

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallowes.  
Mr. C. M. King.  
Mr. F. F. R. Channer.

Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Babu Khem Chand.  
Lala Babu Lal.  
Lala Dhakan Lal.  
Kunwar Rajendra Singh.  
Rai Bahadur Thakur Mashal Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Saifi.  
Khan Bahadur Jhaudhri Amir Hasan  
Khan.  
Maulvi Obaid-ur-Rahman Khan.  
Nawab Muhammad Yusuf.  
Khan Bahadur Munshi Siddiq Ahmad.  
Raja Jagannath Bakhsh Singh.  
Sir Thomas Smith, Kt., v.d.

Motion negatived.

**Babu Mohan Lal Saksena:** If honourable members will refer to page 61 they will find that there is a difference of Rs. 5,000 between the estimates for 1925-26 and the revised estimate for 1924-25 and between the actuals of 1923-24 it is Rs. 13,000. Another point that I want to mention is that the Council has reduced the post of the Deputy Inspector-General of Police, Criminal Investigation department, and therefore we must make a consequential reduction under the head of allowances and I hope the Council will accept this reduction.

**Mr. A. D. Ashdown:** I will once again apologize that I do not understand the revised estimate. If honourable members will refer to page 2 of the explanatory note on the police budget estimates which I circulated for the use of honourable members, they will find that under the head Criminal Investigation department it is shown that the increase of Rs. 960 under "House rent and other allowances" is to meet the cost of allowances which it is proposed to grant to the head clerk and accountant of the Criminal Investigation department on the same scale as granted to the head clerks and accountants of the district police. Mr. Blunt has just informed me that the revised estimate is made on the six months' actuals and so it is quite possible that it does not represent the real position. As regards the honourable member's remark about the

Deputy Inspector-General having been abolished and that therefore there must be a reduction made in the allowances and honoraria, I would like to say that the Deputy Inspector-General gets no allowance of any sort except travelling allowance. Regarding the travelling allowance it will be observed that in the last budget we had Rs 35,000; this year we have budgeted Rs 34,700. This is only a small reduction on account of the reduced travelling allowance, the reduction being for the whole of the twelve months. I would like to point out, however, that the actuals for three years are Rs. 38,000 and therefore I am asking for Rs. 3,300 less, so I do not anticipate that there will be any saving out of the travelling allowance. As regards house rent and other allowances, as I explained last year, there is a misunderstanding. There is no house rent as Mr. Blunt has already explained. It is special duty pay; and for rewards I am asking no more. I would, therefore, ask the honourable mover to withdraw the motion.

**Mr. E. A. H. Blunt:** I did not know that there would be so much muddle about the revised. Had I known that early, I would have explained it more lucidly. It appears that the posts were not filled up during the last year. That accounts for the increase.

The question was put and the Council divided as below :—

*Ayes (33).*

Babu Narayan Prasad Aiora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Thakur Shri Narayan Singh.  
Rai Amba Prasad Sahib.  
Lala Dhakan Lal.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.

Thakur Har Prasad Singh.  
Lieut. Raja Durga Narayan Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Babu Bindeshwari Prasad.  
Rai Bahadur Babu Shankar Dayal.  
Mr. Zahur Ahmad.  
Maulvi Zahur-ud-din.  
Khan Bahadur Shaikh Masud-uz-Zaman.  
Dr. Shafa'at Ahmad Khan.  
Saiyid Muhammad Ashiq Hnsam.  
Lala Mathura Prasad Mehrotra.  
Dr. Ganesh Prasad.

*Noes (32).*

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallows.  
Mr. C. M. King.  
Mr. F. F. R. Channer.

Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Raja Bahadur Brij Narayan Rai.  
Mr. H. David.  
Babu Khem Chand.  
Rai Bahadur Babu Ram Nath Bhargava.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Saifi.  
Rao Abdul Hamid Khan.  
Khan Bahadur Chaudhri Amir Hasan  
Khan.  
Nawab Muhammad Yusuf.  
Khan Bahadur Munshi Siddiq Ahmad.  
Raja Jagannath Bakhsh Singh.  
Sir Thomas Smith, Kt. v.d.

Motion agreed to.

**Babu Mohan Lal Saksena:** I beg to move that the demand of Rs. 12,000 in respect of the item regarding supplies and services at page 61 of the detailed estimates be omitted.

If the honourable members will refer to page 61 of the detailed estimates they will find that under the heading "Supplies and services" there is a head "Secret Service Money" and a provision of Rs. 12,000 has been made this year as against Rs. 10,000 provided in the revised estimate for 1924-25. I wish to inquire from the Government what this money is provided for. Is it to pay the agents provocateurs who go about exciting class hatred or is it to finance those persons who go and work in connection with the Congress committees and watch the activities of the Congress members? There is something very shady about it, I think, and the Council is entitled to know for what objects is this money used.

**Pandit Govind Ballabh Pant:** I simply want to add one more question to those put by Mr. Saksena. It is whether the number of persons engaged for carrying on this secret movement has been increased recently or whether new recruits are being added to this force or whether persons are being approached to render assistance in this matter, and, if so, why? My information is that some very decent persons were being asked in this connection and they have been complaining that they were asked to do such shady work.

**Mr. A. D. Ashdown:** As far as I am aware there is nothing of the sort. If I am told who the people are who said this, I shall be very pleased to inquire into the matter. As far as I know there are no such recruits. As regards this money, it is certainly not meant for the people who watch the activities of any political party or constitutional party, whether supporting the Government or in opposition or any Congress affair. So far as I am aware this money was not used in employing people to look after the Congress people or the people who went to the Congress or anything of the kind. Anything that is done in that connection is done perfectly openly. It is very difficult to explain to the House exactly what this money is used for. I think I can give one instance which came to my notice; I can give no other, because that is the only one that really came to my notice when I was in charge. It was a matter of a very important forged document and I admit that a sum of money was spent out of this fund for procuring the original of that forged document. I am not in a position to tell the honourable members of this House any details of the case, but it was an important case and it had nothing to do with political aspirations; it had connection with that document only and with the crime of assassination.

**Pandit Govind Ballabh Pant:** Why there is this increase of Rs. 2,000?

**Mr. A. D. Ashdown:** Again, I would invite your attention to the fact that last year it was Rs. 15,000. The revised estimate is Rs. 10,000 for exactly the same reasons I gave before. We do not spend money unless it is necessary and I suppose that when these figures, actuals, went into the Finance department at the end of six months, only Rs. 5,000 had been spent and therefore the revised estimate is put at Rs. 10,000. Exactly the same in the ensuing year. If it is only necessary to spend Rs. 8,000, I will spend Rs. 8,000. I am unable to tell what has lapsed

in past years, but for 1920-21 the amount allotted was Rs. 16,000. The House will understand that so far as the revised estimates show, this grant is properly used and not spent extravagantly

**Babu Mohan Lal Saksena:** How is the House to know whether it is properly used when it is being used secretly?

**Mr. A. D. Ashdown:** They have to leave it to the discretion of the Criminal Investigation department who are concerned.

**The Hon'ble Mr. S. P. O'Donnell:** I would just remind the Council of the fact which I should have thought was well known to every one that every Government in the world has a secret service. The Government in England, and in every European country, every Government in India, every Government in America, have a secret service fund; of course they do not give details of the expenditure. If details were given to the public of the expenditure, obviously the fund would cease to be a secret service fund, or to be of the slightest value. Surely a sum of Rs. 12,000 is not a very large fund, it is a very modest sum indeed, a mere fraction of what other countries spend.

Motion negatived.

**Babu Bhagwati Sahai Bedar:** I move that the demand of Rs. 3,61,300 in respect of the item regarding total, Criminal Investigation department at page 61 of the detailed estimates be reduced by Re. 1.

In moving this reduction I have to say that there are still some items which require definite explanation from the Government. The Criminal Investigation department has been very cruel at least to the political offenders. They always shadow us. There is the instance of Mr. Narayan Prasad Arora. Very recently my name has been struck off. I was there in the list of *badmashes* to tell you the truth. I inquired of the sub-inspector in charge why it was so. He said that it was the *hukum* of the Superintendent of Police to put all those persons, who make a row and hold meetings, in the list of *badmashes*. Of course they could not dare tell this thing on my face, but once when I went to Kheri I saw that a regular *parwana* followed me. When I reached there, it was asked whether a certain man, Bhagauti *badmash*, was there or not. I was surprised to find what was there. I had put up with a relation of mine. Of course my relation, a respectable man, was very much annoyed by this. He asked me as to what offence I had committed, whether I had committed any dacoity or what. I said nothing of the sort, but that I was a political agitator. Such are the things going on and I think due care should be taken in carrying out all these things.

Again, I would refer to the very serious case which is hanging over the head of our friend, Mr. Narayan Prasad Arora. I hope a definite answer will come from the Government regarding these matters.

**Pandit Sri Krishna Dutt Paliwal:** Left to myself I would have moved for the total omission of this demand, as the notion standing in my name indicated, but, having been advised not to do so, I have no option but to utilize this opportunity to express my views about this department. I am of opinion that even those who do not agree with me that the whole system of Government is rotten and satanic cannot deny it that this department is the worst part of a bad system. This department is a pet department of the bureaucracy and money is lavishly spent on it, but what

[Pandit Shri Krishna Datta Paliwal.]

is the work that is entrusted to this department ? It seems that there is no other work for this department but to hunt those whose only crime consists of loving their country. Every person who dares to love his country and to question the right of an alien Government to enslave and exploit the people is hounded and harassed by these minions of law. None escapes the attention of these watchdogs of the bureaucracy. The honourable members of this House, as my friend Mr. Bedar has pointed out, are shadowed like condemned criminals. The other day we had a sample—of course it was one out of many—of bureaucratic truthfulness when in answer to a question the Government said that no swarajist M. L. C. was being shadowed, but when we followed up that inquiry by asking further whether Mr. Arora was being shadowed or not, the Government took shelter under the plea that the activities of the Criminal Investigation department are confidential. But, Sir, we know it for certain that many members belonging to these benches are shadowed. My friend, Mr. Saksena, who is the chief whip of our party, is shadowed, he is one of those who are being shadowed. I will ask the House just to think that a respectable citizen like Mr. Arora is being shadowed since 1907 and nothing has ever been said against him publicly, not to say of anything being proved in law courts against him. Our liberties are in constant danger on account of the activities of this department. If speeches are reported wrongly and falsely by this department, we have no help. I know of many cases in which persons have been convicted even though the presiding judges admitted that the reports were defective and wrong. I think the House is aware of the amount of truthfulness contained in the mixture of truth and untruth supplied by this department. I personally know of a gentleman being shadowed simply because the Criminal Investigation department reported that he was editor of a certain paper, while in fact he had never had that honour ; a rigorous system of espionage which reminds us of the barbarous days, or has been set up so much so that students in our schools and colleges are paid to report the conversations of teachers and students. The agent procurators of the bureaucracy mix freely among the young men, excite them to take to dangerous paths, then turn approvers and claim the credit of having unearthed a dangerous conspiracy. This is the only work that this department has to do. It spends public money, time and energy on imaginary adventures. I know that once they scented bombs in a blanket. I will cite an interesting anecdote. In 1916 a party of students came from Agra to join the Lucknow Congress when the Hon'ble the Home Member was a member of the Congress. While coming from Agra they dropped in at Cawnpore and one of them left his blanket there. On reaching Lucknow he wrote to the man where they stopped to return his blanket. But, Sir, the Criminal Investigation department thought that the blanket was a code word—a conspiracy code word for bomb or some such thing and the result was that the letter was intercepted, a great fuss was made to save the British Empire from the dangers of a blanket, and it took three months for the Criminal Investigation department to ascertain that the blanket was nothing but a blanket. This is the work which this department has to do. Dr. Besant has characterized the department as P. D. D. i.e., Patriots' Destruction department, but, Sir, I would leave the initials as they are and characterize it as the Criminal Invention or Criminal Increasing department, or, as my friend here says, Crush India department.

**Dr. Shafa'at Ahmad Khan :** I am sorry to have to rise again and to draw the attention to the Criminal Investigation department and still more sorry that Mr. Ashdown, who is almost an ideal officer, and for whom I have the greatest respect and regard, should be leaving us this year with the Police budget heavily searred. Still I think it is our duty to bring defects to the notice of the Government, and one point to which I should like to draw the attention of the Inspector General of Police is the quality and the quantity of the shorthand reporters in the Criminal Investigation department. As regards the quality, the Hon'ble the Raja Sahib assured us last year that the quality of the shorthand reporters of political speeches—not ordinary speeches—will be improved. I do not know if he can assure us on this point this year if it has distinctly improved or not. My own information is that, so far as the quality goes, out of six shorthand reporters at present in Allahabad not one is a graduate—Mr. Ashdown will correct me if I am wrong—some of them are not even Matriculates, while some of them do not understand English. Again, with regard to quantity there are six shorthand reporters of political speeches in Allahabad. Of these four are inspectors and two sub-inspectors. They are getting special allowances, allowances upon allowances. I will give you an illustration of the way in which allowances are distributed broadcast. In the first place the sub-inspectors get Rs. 70—150 per month, their grade pay. Then they also get Rs. 15 per month for house rent, plus Rs. 30 per month for reporting allowance. Now take the case of the inspectors. They get Rs. 180—300 grade pay, plus Criminal Investigation department allowance Rs. 70 per month, plus Rs. 30 house rent per month plus Rs. 25 conveyance allowance, plus Rs. 30 reporting allowance. Total that comes up to about Rs. 380 per man. Why could not the Criminal Investigation department send, say, five of them back and have one graduate trained as reporter? They have not got much work at the present time. There is a lull in political agitation and I think there is no need for such a large number of them.

**Lala Mathura Prasad Mehrotra :** I rise to submit two or three points to the Government in connection with the Criminal Investigation department. We all know that I gave notice of a motion by which I wanted to cut the expenses of this department by Rs. 78,196. But I have not moved it. Now I will give you the reason why I wanted that cut. The Criminal Investigation department is increasing every year, as we notice from the budget. Before the non-co-operation movement the expenses of the department were Rs. 2,21,000. At that time the highest expenses came up to Rs. 2,83,104, which is also the budgeted amount for 1923-24. In 1924-25 I find that there was an increase of Rs. 26,600. And this year too, Sir, in comparison with 1923-24 there is an increase of Rs. 78,196, and this was the sum which I wanted to reduce. It was very good of the Government to increase the department at the time of the non-co-operation movement, but since it has failed it is not right to keep the force up to that limit. The report of the Economy Committee also says that "there has been a very marked increase in the cost of the Criminal Investigation department and we understand that this branch has just been reorganized with a further increase in its cost." Sir, we are spending about a lakh more than what Madras spends and a lakh and a quarter more than what the Punjab spends. Madras and the Punjab are the provinces which decidedly require more Criminal Investigation department men. We have no movements like Vaikom Satyagraha and Mopla rising of Madras. We

[Lala Mathura Prasad Mehrotra.]

have no movements like the Akali marches on Jaitu and the Gurdwara troubles of Amritsar in the Punjab. The state of affairs in our provinces is comparatively normal. I admit that there are disturbances in these provinces between the Hindus and the Muhammadans. But they are not of such a nature as to require the help of the Criminal Investigation department to the same extent as was required in the time of the non-co-operation movement. Therefore, Sir, there is no justification for Government to keep the strength of the force at that limit, nothing to say of increasing it every year. I think it is now high time for Government to reduce this department by 25 per cent. The Government should ponder over this matter very seriously as we have a deficit budget this year and should decrease it as much as possible. I hope the Government will consider the matter and decrease this force by 25 per cent.

**Mr. Mukandi Lal :** I think it is worth our while to see why the Criminal Investigation department has got into discredit. I submit that it is on account of the misuse of its powers that it has come into discredit ; so much so that recently I had occasion to defend a case which was brought about for defamation simply because a paper happened to write about a certain individual that the Criminal Investigation department should see if there was really a society at his back or he was only running the show himself alone in the name of the alleged society. So, it seems to me that there is some ground for the Criminal Investigation department coming into discredit. I hope Mr Ashdown as a patriotic citizen will realize our feelings when we find day after day that it is for our sin of being patriotic that many of us suffer at the hands of the Criminal Investigation department. As to the inconvenience resulting from their activities, you cannot realize what amount of inconvenience we must feel when we find that some times our letters are intercepted ; when we find that cheques sent to us are intercepted ; when we find that money sent to us is not delivered to us. When I landed in Bombay my letters did not reach me ; the cheque sent to me did not reach me ; and the money sent to me did not reach me. Of course the letters were received by me after a month or so ; but you can imagine the inconvenience I must have been put to.

**The Hon'ble Mr. S. P. O'Donnell :** When was it ?

**Mr. Mukandi Lal :** In 1919. Perhaps it was the time when the bogey of Bolshevism was in the air. Perhaps it was thought that I was coming as an agent of the Bolsheviks. Anyway, I am glad for this. This intercepting of my letters has convinced Government, I hope, that I was not so dangerous a person as I was supposed to be in 1919.

I come to the question as to how we look upon the Criminal Investigation department. I will judge by the deeds of the department whether it has really justified its existence or not. I will give one concrete instance, the case of Kohat. It is on record that if the Criminal Investigation department there had been vigilant, if it had taken notice of the occurrences that had been going on and the doings of the people, this tragedy would not have occurred ; and that they did not convey to the magistrate the real feeling that was prevailing at the time preceding the tragedy of Kohat is an admitted fact. I look upon the Criminal Investigation department, not only as a political department, but as a department for



detecting crimes. Looking at the report for 1923 we find that during the year 437 murders went without investigation and without apprehension. Then there were 102 cases of culpable homicide that were not investigated and detected. There were 791 cases of dacoity which were not investigated or apprehended. Again, there were 437 cases of robbery which were not detected. Above all, there were 9,139 cases of theft which the police failed to investigate and detect. Then, as regards cattle theft cases, which are evidently very easy to detect, there were 2,192 cases which the police failed to detect. If you look into the crimes with a view to see whether there has been increase or decrease, you will find that in 1923 murders have increased from 735 to 822; dacoities with murder have increased from 90 to 136; and dacoities, pure and simple, have increased from 1,277 to 1,382. Is this the reason for which we keep the police in this country and pay them very handsomely? I say that the duty of the officers of the Criminal Investigation department is chiefly to detect crime and not to shadow politicians and patriots. There were four murders on the railways within the boundary of these provinces and not a single murder out of these four cases has been detected by the police. Is it to the credit of the police that these murders should go undetected in these provinces? Therefore I submit that the Criminal Investigation department should devote more of its time to the investigation of murders and other crimes rather than in shadowing political suspects, as they are called, whose only crime, as has been suggested by my friend Mr. Paliwal, is that they love their country so dearly. I hope the Police department will try to be at least less unpopular than it is today. It is only in our country that we find the police so unpopular. In other countries it is not so unpopular. There the policeman is the most useful servant of the people. The policeman in other countries renders the highest service to the public, but it is only in this country he is a nuisance and source of trouble. I can give you instances when even within the precincts of this Council we are obstructed by the police when the tonga brings us on this side or on that side of the Chamber. He stops us on the road and this has happened in my case twice and I was obliged to get down for I could not protest with the policeman and tell him that the bell was ringing and I had to go. There was another case that happened on the Lucknow University Convocation day. I was going with a friend in a tonga to the Canning College and the policeman said "You must get down here" and so we were stopped on this side of the bridge. I have got the number of the police constable. If things like this are done by the police it is not surprising that they are so unpopular. I hope you will try to make them really useful to the public.

**Mr A. D. Ashdown :** [During this speech the Hon'ble the President resumed the Chair] I shall try to meet the points raised by my honourable friend Mr Mukandi Lal. They are numerous and he, I gather, has quoted against me figures from my own annual report. I have not got the figures here, but I would like to say at once that these numerous cases which he has quoted have got nothing to do with the Criminal Investigation department. He has also done me an injustice when he said that there were so many murders, so many dacoities, and so on and that in every case there had been no investigation and no detection. Certainly they were investigated, but I am afraid they were not all of them detected. I might also mention that although certain crimes have increased, the percentage of conviction and detection has also risen.

[Mr. A. D. Ashdown.]

I should also like to say a word or two regarding traffic control near the Council Chamber. I believe it is a local order which I also have to observe myself. Members shall drive either on this side or on the other side, but if Mr. Mukandi Lal wishes I will write to Mr. Inglis and he will be able to drive this side as well. All the same this has nothing to do with the Criminal Investigation department. Mr. Mukandi Lal told us about his unfortunate experiences on his arrival in Bombay. I think it was due to the fact that he lost his passport. I did not lose my passport, but I mislaid it once in France and the inconvenience I suffered then was probably considerably more than Mr. Mukandi Lal's. However, the loss of passports is no business of our Criminal Investigation department. We are now discussing the Criminal Investigation department. I thoroughly realize and appreciate that these inconveniences to which honourable members are undoubtedly put on occasions must be resented very strongly. I resented it myself. I will do my best, if the Criminal Investigation department continues to exist, that these complaints shall not continue.

My honourable friend Mr. Bedar opposite complained about the preparation of a history sheet for himself. I should like to say that this has nothing whatever to do with the Criminal Investigation department. People are put on history sheets by the district police under orders or regulations affecting them. Now Mr. Bedar did mention this to me when we were in the course of conversation the other day, and I have given the matter my very careful consideration, and after again refreshing my memory as to the rules I can say at once, for Mr. Bedar's satisfaction, that there was absolutely no justification for this history sheet. I regret it very much.

With reference to Mr. Arora I again emphasize the fact that he has not been shadowed by the Criminal Investigation department. I admit, as he has informed me and as is evident, that the name of his destination has been taken and information has been sent on ahead; but I venture to say this was done by the district police. It was unwise and unjustified and I do not know why they wanted to do it unless it was done in the same way as is done in the case of an M. P. It was improper and it will not be repeated. So far as I am aware no member of this Council is shadowed by the Criminal Investigation department and no member of this Council should be interfered with by the district police as long as he does not break the law, which I am certain he will not.

I now come to the question raised by my friend Dr. Shafa'at Ahmad Khan. It is quite true that there are four inspectors and two sub-inspectors employed on shorthand work at Allahabad in the Criminal Investigation department and who are earmarked for that work. I understand—I was not in the province at the time—that there was a very insistent demand by this Council that qualified shorthand writers, men qualified in shorthand writing and capable of taking down speeches correctly, should be employed in the Criminal Investigation department as against those who, I understand, were found incompetent. I was not here, but I understood from the Hon'ble the Home Member's speech last year that that was the position. I do not know whether these men are graduates—they may be or they may not, they are probably not—but they have been sent to an institution for instruction in shorthand and they have been reported by the principal of that institution as thoroughly capable and competent to

perform that work. Now I put it to the honourable doctor that it is not of the slightest good employing a man with Cambridge honours, merely because he has got honours in a high degree or as a Doctor of the Allahabad University, or merely because he is a graduate and has great distinctions educationally, and to ask him to report speeches I understand these six men are capable and efficient for doing the work which they are required to do. As regards the idling part of the business, I have no information. These officers are required to spend many hours every day at shorthand practice, if there are no meetings at which speeches may be recorded, they have to attend meetings merely for the purpose of practice. If they are not doing a satisfactory amount of work, I will point out that and it will, of course, be remedied.

As regards allowances, they draw the ordinary Criminal Investigation department allowance and they draw an extra allowance for shorthand. I have not got the figures here about the sub-inspectors, but the figures he quoted are correct. They get Rs. 30 for reporting, and like all inspectors except circle inspectors in their own circles, get Rs. 25 horse allowance, or conveyance allowance, or whatever it may happen to be called, the same as sub-inspectors, in whose case the sum varies between Rs. 20 and Rs. 25. They get house rent in Allahabad because there are no quarters for them there and they get the ordinary Criminal Investigation department allowance which is admissible for inspectors.

I now come to my friend Mr. Mehrotra. He thinks that there has been an increase in the Criminal Investigation department and that, as times are easier and the general situation in these provinces is fortunately more favourable, there should be a still further decrease. I am not quite sure whether he means in the establishment or in the cost.

He quoted the cost of the Criminal Investigation department in Madras, and so on. I am unable to say, but I suppose they are correct. Now there is one thing that cannot be overlooked. We must bear in mind that all this time we have been faced with a serious state of affairs and a conspiracy which aims at the well-being and stability of the provinces on our very borders and therefore, though we have not so much actual work in connection with political crime to do, which, as I have explained, is but a small part of the Criminal Investigation department work, this surely is not the time when we can relax our vigilance or diminish our resources.

Now I pass on, as I said before, to the main purpose of the Criminal Investigation department, which is insurance for the protection of the wealthy classes, the corporations, industrial societies and companies in the province, on which its future prosperity rests. I venture to say that our Criminal Investigation department is constituted exactly the same as in England at Scotland Yard. If we are to keep abreast of modern requirements and the technicalities and intricacies of modern crime, we cannot reduce our Criminal Investigation department.

Now I turn to the matter of cost. I will be brief. In 1923-24 I explained to the Council why it was that we spent so little. When the reorganization was sanctioned, the total cost without the pay of the Deputy Inspector-General was sanctioned at Rs. 3,37,200, to that should be added the pay of the Deputy Inspector-General, and the total comes to Rs. 3,63,000. Now last year the Council made a cut of Rs. 20,000 in the Criminal Investigation department budget, and Government made a cut of Rs. 10,000, that was Rs. 30,000, and the total vote including the-

[Mr. A. D. Ashdown.]

pay of the Deputy Inspector-General was Rs. 3,37,200. I came to the Council last September, as some honourable members will remember, and asked for an additional grant of Rs. 12,900 and for a transfer of Rs. 13,527, so last year the grant was Rs. 3,60,127, that was including everything. This year it is Rs. 3,61,200, or an increase of Rs. 1,100 only. It represents the pay of two officers whom I have so far not been able to employ. Now members of the Council may argue that I have no right to speak about an item when it is non-voted. But Mr. Bedar fixed a figure in his motion which included non-voted items as well as voted. The point I wish to emphasize is this—as I pointed out last year in this Council—if to meet the views of this Council I put an Indian Imperial Police Officer into the Criminal Investigation department on lower or even a higher rate of pay it naturally increases the “voted” grant and decreases the “non-voted” grant. Now, the Council cannot have it both ways. If I fall in with the views of the Council—and that entails an increase in the “voted” grant—I appeal to the Council, at any rate, to give me that much money which I need to comply with its wishes. I should be judged by the total vote both “voted” and “non-voted” taken together. It follows that instead of there being a total increase there has been a decrease since the reorganization scheme was brought into force. The reorganization scheme actually entailed an extra expenditure of, I understand, Rs. 13,000. I have this year asked for Rs. 3,61,000 against Rs. 3,63,000, including the Deputy Inspector-General’s estimated pay which was the total cost of the reorganization scheme; this in spite of the fact that officers on the establishment have become entitled to increased increments.

**Babu Damodar Da** I have ever looked on the Criminal Investigation department as a form of chastisement to us like the one meted out to the Rishis of old to test their penances. In my opinion the Criminal Investigation department is meant to chastise and harass the patriots and the nationalists. If it is not, I do not understand why this year a demand is made which is three-quarters of a lakh more than the demand of the year 1922-23. Really it is meant to crush the rising spirit of the nation, but I can assure Mr. Ashdown that he can never be successful in that. It has been tried in Russia, but has failed. I come from a district which is most unfortunate in this respect. Since the Rowlatt Act, Benares has been taken care of specially, because of the great population of Bengalis. The city is harassed like anything. The Bengali youths are shadowed and their lives have been made miserable. Even their music clubs and houses are watched and searched. The students going to school, are specially taken care of. Sometimes they are punished under section 110 for no fault of theirs. Sometimes they are got hold of and sent to the thana and detained there for some time. Because of the activities of this department the city is suffering so much.

**The Hon’ble Mr. S. P. O’Donnell:** I do not want to take up much of the time of the Council. I wish only to make one observation. The honourable member who has just spoken has said that the object of the Criminal Investigation department is to crush the political life of this province. In the whole Criminal Investigation department there are only three officers who are normally employed on what I may call political work—one Deputy Superintendent of Police and two inspectors. I leave it to

the Council to decide whether these three officers can crush the political life of this country.

Motion negatived.

**Khan Bahadur Maulvi Fasih-ud-din :** I beg to move that the demand of Rs. 2 04,700 in respect of the item regarding the salaries of superintendents and assistants at page 62 of the detailed estimates be reduced by Re. 1.

I bring forward this motion in order to direct the attention of the Police department to the oft-repeated story of the grievances of the Indians in general and the members of the Provincial Service in particular. The scheme of the Reforms laid down that 33 per cent. of posts should be thrown open to Indians and the Lee Commission have recommended that 60 per cent. posts should be recruited for the present till the maximum of 50 is reached. But what do we find now? We find that, excluding the post of the Inspector-General of Police and the posts of the Deputy Inspectors-General, there are 57 posts of superintendents of police, and according to the Civil List of October I find that only four posts out of 57 are held by Indians. There may have been a slight addition since then, but that should not count. Out of the 50 posts of assistant superintendents of police only four have been given to Indians. One therefore naturally wonders whether we are proceeding on the right royal road towards the Indianization of services, whether we are following a substance instead of a shadow, whether we are in pursuit of light instead of a will-o'-the-wisp. The present incumbent of the post of Inspector-General is known to be an ideal Inspector-General, because I know that besides being a police officer he is a gentleman too. I hope he will give serious attention to this matter. It is a grievance of very old standing and it has now become chronic. Vacancy after vacancy occurs in the grade of superintendents of police, and we find that junior assistant superintendents of police pass over the most senior and the most deserving deputy superintendents of police without any rhyme or reason. Four years have now elapsed since the Reforms were introduced, but so far there are only four Indian superintendents of police in the superior cadre. Of all reforms in the Police department the scheme of the Indianization of the Police Service is the most urgent, and until that is done we will naturally be opposed to other reforms in that department.

**Dr. Ganesh Prasad :** My only excuse for taking part in the debate relating to the police is that I represent a constituency which is specially interested in the question of the Indianization of the all-India services. On the 8th September, 1924, I had also taken part in the debate on the report of the Lee Commission, and so I consider it my duty to say a few words today also on the subject of Indianization. I beg to endorse every word which has fallen from the lips of my honourable friend Khan Bahadur Maulvi Fasih-ud-din Sahib. I would, however, like to place before the Council a few figures in support of the motion. There are altogether 114 members in the Imperial Police Service in these provinces. Of these, 33 assistant superintendents of police have been recruited since 1921. As Maulvi Sahib rightly pointed out, the recommendation of the Islington Commission was that 33 per cent. of the future recruits should be Indians. Now, if that proportion had been maintained, the number of Indians recruited as assistant superintendents of police ought to have been 11 instead of 5 as at present. I hope my honourable friend Mr. Ashdown will correct me if I am wrong. Again, out of the 22 posts of superintendents

[Dr. Ganesh Prasad.]

of police that were filled up during the last four or five years, only five are held by Indians. This is a matter in which I take special interest, as out of the forty deputy superintendents there are nearly half who are graduates and many of those latter are my own pupils. One of them, I am glad to remark, has recently been appointed permanently as superintendent of police. As I represent the graduates of the Allahabad University I think it is my duty to see that their interests are kept in view by the honourable members of this House. A very serious grievance of theirs is that when they are promoted to the grade of superintendent of police they are shown junior to many assistant superintendents of police who were in fact appointed to the service long after them. This grievance is of fairly recent origin. I know of a case of a gentleman who was appointed a permanent superintendent of police in 1918, and he is shown in the Civil List of the same standing as the assistant superintendents of police who were appointed in 1918. If the grievance remains unremedied I fear that when the question of the appointment of an Indian as deputy Inspector-General of Police crops up, the Government may come forward and say that as the Indian superintendents of police are not senior enough they have no claim to that higher appointment. On the question of the Indianization of the Imperial Police Service I have already expressed my views on the 8th of September when the debate took place on the Lee Commission's report. With due deference to my esteemed friend the Inspector-General of Police, I may repeat that although in the case of recruitment to the Indian Civil Service there is some justification for the appointment of Europeans, there is none whatsoever in the case of the Indian Police Service. For the European members of the Indian Police Service are not better in morals or brains than Indian graduates of the right type. Therefore the sooner this particular grievance is remedied, the better it will be for the country.

**Pandit Jhanni Lal Pande :** If I rise to speak on this motion, it is with a view to draw the attention of the Hon'ble the Home Member to one particular instance. I understand that the superintendent of police in my district, who happens to be an Indian, has been superseded by a young assistant superintendent of police who has only put in three or four years' service. I would not have mentioned this case had it not been for the fact that it smacks of racial discrimination. We, on this side of the House, are conservative in so far as we are very reluctant in giving a certificate of good conduct to a police officer. But I may tell you, Sir, that during the recent communal riots this Indian superintendent of police managed to administer the district of Jalaun efficiently and I would certainly appeal to the Hon'ble the Home Member to see that his case is treated fairly and he is not to be removed for the simple reason that he happens to be an Indian.

**Mr. A. D. Ashdown :** There are at present on the gradation list five Indians who are superintendents of police. It will be in the memory of this House that the House was given an assurance that the full number of Indian superintendents up to 11 per cent. would be completed as soon as possible. An officer has actually been appointed to the Imperial Police Service, but I understand that no notification has appeared. It is on account of the fact that the Secretary of State's orders are awaited. The appointment will date, if I remember correctly, from the 24th of September. That makes six.

There has been no vacancy in the interval until this month, and Government has sanctioned the appointment of another Indian officer of the rank of deputy superintendent of police to the post of superintendent of police. That completes the original 11 per cent. As regards assistant superintendents of police, my honourable friend Dr. Ganesh Prasad, I think, is correct in his figure, because I think that Pandit Vinayanand was appointed before the date he mentioned. I am not quite sure of the date. At the present moment there are six assistant superintendents who are Indians. Perhaps the Council is aware that an examination was held last November and two Indians are now to be appointed as soon as the Secretary of State's orders are received. That is, there are at present—I anticipate any objection by my honourable friend from Bulandshahr—six vacancies in the rank of assistant superintendents of police. There are three more possible vacancies within this year and possibly four. We are providing two Indians in these vacancies. There is still plenty of field to effect any reduction which, I believe, will be carried out under the orders of the Secretary of State and in the manner in which he desires. Regarding seniority it is true that under the orders of the Government of India and the Secretary of State a deputy superintendent who is appointed as superintendent takes the rank below the last promoted officer. I think I am correct in saying—I tried to verify it; but could not find the opportunity—that he gets the pay of the number of years he has served in the gazetted rank. So that he is in no way prejudiced in the matter of pay. Of recent years I think it has taken about 13 years to become a superintendent of police from the rank of assistant superintendent of police.

**Dr. Ganesh Prasad:** May I point out that there is one case of a deputy superintendent of police who was appointed in 1906. Though he has put in 19 years' service, he is below an assistant superintendent of police who was recruited in 1911.

**Mr. A. D. Ashdown:** There have been, as my honourable friend pointed out, several anomalies which we are continuing to represent to the Government of India. This has been due to the various rules framed from time to time, and one or two of the officers referred to by Dr. Ganesh Prasad are suffering an extraordinary discrepancy or anomaly in the matter of pay. One officer, who was promoted several years ago, gets a little less pay than an officer who was promoted from deputy superintendentship several years later. That is obviously a mistake, and I have no doubt that it will be rectified when the Government's recommendations are given effect to.

As regards the Lee Commission's recommendations, I would observe that this is a matter for the final sanction and final orders of the Secretary of State, and I suppose they are at present under consideration. So far as the Government of this province are concerned, they have not only fulfilled their pledge but they have fulfilled it as promptly as they possibly could do. The other point raised was that a junior assistant superintendent of police very recently displaced a very senior deputy superintendent of police. This is a fact, but it must be borne in mind that assistant superintendents were recruited for this particular purpose, and there are definite orders by the Secretary of State that, provided an assistant superintendent of police has completed those tests which are required for his training he must be appointed to these acting appointments before deputy superintendents of police. Now, that rule has not always been

[Mr. A. D. Ashdown,]

strictly observed in these provinces. On occasions, if you will look at the Civil List, you will see that there are officers of the rank of assistant superintendents of police who are fully qualified, but certain deputy superintendents are acting in spite of that fact; but in every instance we have had to obtain the orders of the Government of India.

**Pandit Nanak Chand:** The remark of my honourable friend the Inspector-General of Police that the assistant superintendents of police were recruited to be made superintendents of police and therefore even junior officers were to be given preference over experienced deputy superintendents of police with longer periods of service behind them comes to me as a revelation. I know that after the Police Commission of 1902-3 had recommended recruitment to the post of deputy superintendent, it was made known to all the future entrants to the office of assistant superintendent that deputy superintendents will be officers of the same rank and will be classed as equal officers in every respect. It was also pointed out in the debates on the floor of this House that the claims of assistant superintendents recruited previous to the year 1905 could not be ignored in filling up the number of superintendent-ships to be filled up by Indians promoted from the rank of deputy superintendents of police who were recruited thereafter. The recruits who joined the ranks of assistant superintendents after 1905 joined it on the clear understanding that deputy superintendents of police had the same functions and similar departmental status as the assistant superintendents and that they would be treated in the same manner. In this respect the assistant superintendents are not entitled to any preferential treatment as compared with the deputy superintendents. I will just point out with reference to the Civil List that this was also the practice in the case of the appointments of Rai Bahadur Man Singh and Mr. Islam Ahmad Khan who were made superintendents along with the assistant superintendents of their own year of recruitment. But latterly a change has come, and I find on reference to the Civil List that Thakur Karan Singh, who was recruited in the year 1906, has been placed ten places below, and ten assistant superintendents recruited after him, that is, in the years 1907 and 1908, have been placed above him. I find a similar thing in the case of Khan Bahadur Muhammad Paqi. He was recruited in the year 1906. Not less than nine officers recruited as assistant superintendents during the years 1907, 1909, 1910 and 1911 have been placed over this officer. The result, as the honourable members will see, is that one officer is ten places lower down and the other officer is nine places lower down than he ought to have been otherwise. In substantiation of my argument I have given the original practice which was to treat the deputy superintendents and assistant superintendents on the same level, as I have already pointed out in the case of two appointments which were made to the rank of superintendent of police in the year 1918, to which a reference has already been made by my friend Dr. Ganesh Prasad as well. I do not accept the explanation of the Inspector-General of Police in this matter. On a reference to the Civil List I find that assistant superintendents have been appointed to the rank of superintendent of police with only two and a half years' service, and in one case with only two years' service to his credit—this period includes the period of their training as well. At the same time I find deputy superintendents of police recruited as long ago as 1908, 1909 and 1910



rotting as deputy superintendents of police. I could give an illustration of a deputy superintendent of police who held an officiating charge of superintendent of police and who, I am sure, will be recognized as one of the most competent Indian officers, even by the Inspector-General—I mean Rai Bahadur Sirdar Santokh Singh—was posted not only under one of his own juniors but under one of his own pupils; it was in utter disgust that he proceeded on long leave preparatory to retirement. This is how Indian officers are being humiliated and treated. There have been not a few instances where junior assistant superintendents of police have been placed over the heads of senior deputy superintendents. This is a serious grievance which ought to be removed by the Inspector-General of Police. I have already illustrated the position with a reference to the Civil List.

Next, I come to the question of reduction of the cadre which the Economy Committee recommended. The cadre of assistant superintendents at present stands at 51 and that of deputy superintendents at 43; the total comes to 94. The Economy Committee suggested that there are eight districts where no assistant is required. The term "assistant" has been used as including both the deputy and assistant Superintendents. The Economy Committee have stated that in eight districts no assistant is required. For the remaining 38 districts they have suggested that one assistant will be sufficient. They further recommended that 17 more assistant and deputy superintendents of police might be retained to meet emergencies or to meet the requirements of extra postings in important places for special reasons; the total comes to 55. They have suggested that the combined cadre of these two classes of officers should be 55 for the district requirements, and if we calculate the leave reserve at 14 per cent. it will add seven more officers, thus bringing the total to 62. We at present find that we have a cadre of 94 officers for the two classes. We still maintain that the cadre can be reduced, and no amount of jugglery will make us believe that the Economy Committee have committed any mistake in this recommendation.

Another point to which I want to draw the attention of the Inspector-General of Police is the question of the Indianization of reserve and divisional inspectors. He promised last year that he would do something in this matter, and I expect that he will give us some satisfactory account of progress in this direction.

Yet another point to which I would wish the Inspector-General and the Hon'ble the Home Member to devote their attention is the desirability of amalgamating the two classes, viz., deputy and assistant superintendents of police. It is no use keeping the service discontented by meting out different racial treatment and justifying it on account of their having been recruited to the Imperial Service and the Provincial Service, when the Government recruits both classes of officers from the same class of persons possessing the same educational qualifications.

I hope that the Inspector-General of Police will give a satisfactory explanation on these points.

**Mr. A. D. Ashdown:** First of all I will try and meet the honourable Pandit about the first matter. I think that I endeavoured to make it clear before. When the rank of deputy superintendent of police was created in 1906—I think it was in 1906—you will notice if you will carefully look at the report that they were to perform the functions and duties of assistants, but their status was not the same. At that

[Mr. A. D. Ashdown.]

time it was 3 per cent.; I correct myself, 5 per cent., and three appointments. After 1906, as the honourable Pandit said, the assistant superintendents who were appointed from England to the Imperial Service had no claims whatsoever on that 5 per cent. of superior appointments, and as that percentage has increased assistants subsequently appointed have no claim on those appointments. Now we come to the question of promotion. The first officers appointed were, I believe, about the same age—I think the honourable Pandit said so—as officers who were promoted from the rank of assistant superintendents. Now the trouble about these appointments is that you cannot promote—supposing there is no increase—a deputy superintendent under the existing rules and make him a superintendent unless a vacancy occurs. When the vacancy occurs the deputy superintendent takes his position along with, but below, the last assistant superintendent who was appointed to one of the appointments to which he has every right to expect promotion. Anomalies occur because, if there is a block in these reserved appointments, it stands to reason the deputy superintendent promoted must be very senior, and this tends to be intensified as time goes on; but I think I am correct in saying that he is not a loser pecuniarily; that he actually draws the pay to which he would have been entitled if he had been originally appointed as assistant superintendent and not as deputy superintendent.

**Pandit Nanak Chand:** May I ask a question at this stage? Will the fact of their having been placed so many places lower on the Civil List not go against their being appointed to senior posts like Deputy Inspector-General?

**Mr. A. D. Ashdown:** I agree—it undoubtedly will—it is a disability, but so far as those claims were concerned which we were discussing, namely, of 1906, those claims have been met in full. Now the honourable Pandit again raised the question of the junior assistant superintendents acting as superintendents—I think he actually said one such officer became a superintendent after two and a half years. This has not happened since the time I have been here—perhaps he meant officiated?

**Pandit Nanak Chand:** I can give the names and places.

**Mr. A. D. Ashdown:** Well, I may say that it takes 12 or 13 years to become a *pakka* superintendent. As I explained to the mover of the previous motion, the reason is that those are the orders of the Secretary of State, and it is not in the power of this Government or the Government of India to modify them. The orders are that if the Imperial Service officer is fit and has passed the requisite tests, he has, except as regards those listed appointments, which are seven now, a prior claim.

[Voice of—“ Even for officiating appointments ? ”]

**Mr. A. D. Ashdown:** Yes, officiating appointments as well. I will not take many minutes more. There is then the question of number. I should be very pleased indeed to have 55 officers available for work in the districts. At the present moment I find myself absolutely unable to supply officers. As the vote for divisional inspectors has not yet been reached, I will not say anything about them at this stage.

The question was put and the Council divided as follows:—

*Ayes* (42).

Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Chaudhri Sheoraj Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Shib Narayan Singh.  
Rai Amba Prasad Sahib.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh.  
Pandit Bhagwat Narayan Bhaigava.  
Pandit Jhanni Lal Pande.  
Thakur Har Prasad Singh.

Lieut. Raja Durga Narayan Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Rai Bahadur Thakur Hanuman Singh.  
Bhaya Hanumat Prasad Singh.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Babu Bindeshwari Prasad.  
Kunwar Surendra Pratap Sahi.  
Rai Bahadur Babu Shankar Dayal.  
Mr. Muhammad Zahur Ahmad.  
Mr. Muhammad Aslam Saifi.  
Maulvi Zahur-ud-din.  
Maulvi Obaid-ur-Rahman Khan.  
Nawab Muhammad Yusuf.  
Dr. Shafa'at Ahmad Khan.  
Khan Bahadur Maulvi Fasih-ud-din.  
Lala Mathura Prasad Mehrotra.  
Dr. Ganesh Prasad.

*Noes* (25).

The Hon'ble Mr. S. P. O'Donnell  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bali.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.

Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.  
Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. H. David.  
Babu Khem Chand.  
Lala Dhakan Lal.  
Rao Abdul Hamid Khan.  
Khan Bahadur Chaudhri Amir Hasan  
Khan.  
Khan Bahadur Munshi Siddiq Ahmad.  
Sir Thomas Smith, Kt., v.d.

Motion agreed to.

**Mr. H. David:** I beg to move that the demand of Rs. 1,69,380 in respect of the item regarding deputy superintendents at page 62 of the detailed estimates be reduced by Rs. 100.

I find the discussion of the budget is a very opportune time for airing our grievances. As I have also got one—at least my community has got one—I take advantage of this opportunity. I find from the Civil List that there are 43 permanent and 12 temporary appointments of deputy superintendents. I have classified them. I find of this number 22 are Hindus, 24 Muhammadaus and 9 Europeans. I have looked into the list very carefully, and I find there is not a single Indian Christian among them. I have also referred to the Police Regulations, and it provides for certain qualifications, as for instance University education, physique, character and ability to ride. They further provide that appointments or nominations will be made from the land-owning, official and professional classes. As I find in my community there are persons who do own land as zamindars, there are persons among us who do belong to the official class and persons who also follow learned professions, as for instance Law, Education, etc. That being the case, I cannot understand why should there not be a single nomination or appointment from the community which I have the honour to represent. Taking the last year's appointment I was very much pleased to see that there was one Munshi Abdul Kabir who comes from the Muir Central College, and he was specially accepted on

[Mr H. David.]

account of his athletic accomplishments. I find from studying the reports about University tournaments that Indian Christians have headed the list in all directions and they have carried off cups and medals. Such being the case, it seems to me absolutely unfair to ignore the claims of the youth of my community. We have got an assurance that all classes of population—I refer to the instructions issued to the Governor, and His Majesty was pleased to convey that all classes without distinction—would be taken care of and not deprived of their rights, and it was further added that the lack of numerical strength or material condition—I wish to emphasize this expression—should not be allowed as a ground for these minorities to suffer. We are a class of minorities and the Muhammadans of course take the first place. I am glad, and very glad, that the Muhammadans are always fighting for the rights of the minorities, and we, who also belong to a minority, also clamour for our rights.

**Babu Mohan Lal Saksena :** You must fight, not clamour.

**Mr. H David :** I know the Hon'ble the Home Member has very extensive powers and has a good heart and a fair mind. but I would expect him to translate his goodness and fairness into action.

One word more. I find that there is a Selection Board, and in that Board there is representation from the Hindu community, there is representation from the Muhammadan community, but there is absolutely no representation from the Christian community—I mean the Anglo-Indians and Indian Christians. There may be the Director of Public Instruction there or any other high official, but they are all Europeans and they cannot be expected to understand or comprehend our interests and the depth of our feelings when we are being ignored on all sides. I put forth this claim, and I hope that the authorities will take this into consideration.

**Mr. A. D. Ashdown :** I should like to inform Mr. David that there is actually one Indian assistant superintendent who is a Christian and who belongs to the Imperial Police Service.

**Mr. H David :** He is not a deputy superintendent, Sir.

**Mr. A. D. Ashdown :** I am just coming to that.

As regards the rank of deputy superintendents, I do not think that there is at present any Indian Christian, but I must admit that I have not inquired from all my officers as to what religion they profess exactly. The other day there were, I think, three appointments of deputy superintendents of police. Those appointments were notified in the Gazette, and we called for applications for these appointments. In the preliminary stage I think 165 candidates appeared for these three appointments. There were in fact—I know there was at least one, probably there were two or three—Indian Christians who applied. Now, I must say at once that in making this extremely difficult preliminary selection—for three persons out of 165 candidates—we never considered the question of race or caste or religion . . .

**Mr. H. David :** You should consider.

**Mr. A. D. Ashdown :** With a view to differentiation and having come down to what we thought was bed-rock—they were all so good, we did not know what to do—we left it, the final selection, to the Selection Committee. And I can assure honourable members of this House that no question of

race, caste, creed or position had any influence over any member of the committee.

As regards the lower ranks, I am unable to tell Mr. David how many sub-inspectors or constables there are who profess Christianity. I do not think there are many constables. When I was in the Training School several Indian Christians passed through that school with great credit and with a certain amount of distinction. I understand that the majority of these sub-inspectors are serving faithfully and loyally, and I can say that, so far as I am aware, any Indian Christian is given equal consideration with any other caste or creed when he appears before any Selection Committee.

**Mr H. David :** I withdraw the motion.

Motion by leave withdrawn.

**Babu Bhagwati Sahai Bedar :** There is a slip of the pen and I wish to correct the figure 6,00,000 into 1,00,000. Can I do it?

**The Hon'ble the President :** There is one other motion in the name of Chaudhri Radan Singh for a larger cut. The honourable member has the right to move that first.

**Babu Bhagwati Sahai Bedar :** The honourable member is not present. I beg to move that the demand for Rs. 26,90,328 in respect of the item regarding executive subordinates under establishment at page 62 of the detailed estimates be reduced by Rs. 1,00,000. In moving this reduction I beg to bring to the notice of the Council that if we compare the budget figures for 1925-26 with that of 1924-25 the honourable members will find that there is an increase of Rs. 68,206 in the budget estimate for 1925-26.

**Mr. E. A. H. Blunt :** What figure?

**Babu Bhagwati Sahai Bedar :** Under "Establishment," page 62. Still there is another item of Rs. 14,000 which is altogether unnecessary in view of the fact that these 25 motor drivers are there for nothing.

**The Hon'ble the President :** I think there are separate motions with regard to that.

**Babu Bhagwati Sahai Bedar :** Very well, Sir, I shall leave that. Then it has been practically decided that posts of inspectors must go finally. They should be, therefore, done away with. So I hope Government will accept this reduction which I have proposed with regard to this item.

**Pandit Govind Ballabh Pant :** This may be the last item that we may possibly reach today. The increase in the district executive staff is over Rs. 3,00,000. It has risen to Rs. 1,31,16,600. The other details have been given by Mr. Bedar. From the number of items on the agenda, if we had been able to reach them, perhaps the reductions would have amounted to a much larger figure. I think honourable members will, in the circumstances, satisfy themselves with this Rs. 1,00,000 reduction. I hope they will accept this as a remuneration for a good day's work done in a bad manner.

**Mr. E. A. H. Blunt :** The honourable member has referred to the total figures on page 64. He said there has been an increase from 128 to 131 lakhs. As a matter of fact in saying this he has omitted to notice

on page 60 the lump reduction of Rs. 1,00,000 already taken by Government. It does not, of course, appear in the detailed accounts, but only in the totals. That makes one lakh. He also omitted to notice a motion, which, I trust, will be taken up, whatever may happen to the others, by the Hon'ble the Finance Member to reduce Rs. 74,880 under this head. In other words, for the one lakh which the mover desires we have given him in all Rs. 1,75,000, of which Rs. 1,00,000 has already been given, and we are offering another Rs. 75,000. In the circumstances I hope he will not now press this motion. I may point out that under this particular head of pay of establishments there is only an increase of Rs. 30,000 in all, that is, from 88,58, to 88,88. As to the item for motor drivers, I may mention that that is not new expenditure at all. They were always there as temporary under another head—under Supplies and Services. They are now permanent; it is simply a transfer from one head to another; it is not an increase at all.

The question was put and the Council divided as below :—

*Ayes (32).*

Babu Narayan Prasad Arora.  
Babu Sangam Lal.  
Babu Mohan Lal Saksena.  
Babu Damodar Das.  
Babu Bhagwati Sahai Bedar.  
Thakur Manjit Singh Rathor.  
2nd-Lieut. Chaudhri Balwant Singh.  
Rai Jagdish Prasad Sahib.  
Chaudhri Jaswant Singh.  
Pandit Nanak Chand.  
Lala Babu Lal.  
Thakur Shri Narayan Singh.  
Babu Nemi Saran.  
Chaudhri Badan Singh.  
Rao Sahib Kunwar Sardar Singh.  
Thakur Sadho Singh

Pandit Bhagwat Narayan Bhargava.  
Pandit Jhanni Lal Pande.  
Thakur Har Prasad Singh.  
Pandit Sri Krishna Dutt Paliwal.  
Babu Parsidh Narayan Anad.  
Babu Dip Narayan Roy.  
Pandit Govind Ballabh Pant.  
Pandit Hargovind Pant.  
Mr. Mukandi Lal.  
Babu Ram Chandra Sinha.  
Babu Bindeshwari Prasad.  
Mr. Zahur Ahmad.  
Maulvi Zahur-ud-din.  
Dr. Shafa'at Ahmad Khan.  
Lala Mathura Prasad Mehrotra.  
Dr. Ganesh Prasad.

*Noes (35).*

The Hon'ble Mr. S. P. O'Donnell.  
The Hon'ble Raja Sir Muhammad Ali  
Muhammad Khan, Khan Bahadur.  
The Hon'ble Lieut. Nawab Muhammad  
Ahmad Sa'id Khan.  
The Hon'ble Rai Rajeshwar Bahi.  
Mr. G. B. Lambert.  
Mr. E. A. H. Blunt.  
Kunwar Jagdish Prasad.  
Mr. G. B. F. Muir.  
Mr. A. C. Verrières.  
Mr. C. E. D. Peters.  
Mr. J. R. W. Bennett.  
Mr. S. H. Fremantle.  
Mr. R. Burn.  
Mr. B. J. K. Hallowes.  
Mr. C. M. King.  
Mr. F. F. R. Channer.  
Mr. A. D. Ashdown.

Colonel A. W. R. Cochrane.  
Mr. A. H. Mackenzie.  
Mr. G. Clarke.  
Mr. H. David.  
Babu Khem Chand.  
Chaudhri Sheoraj Singh  
Rai Bahadur Babu Ram Nath Bhargava.  
Rai Amba Prasad Sahib.  
Lala Dhakan Lal.  
Rai Bahadur Thakur Hanuman Singh.  
Kunwar Surendra Pratap Sahi.  
Mr. Muhammad Aslam Saifi.  
Rao Abdul Hamid Khan.  
Khan Bahadur Chaudhri Amir Hasan  
Khan.  
Maulvi Obaid-ur-Rahman Khan.  
Nawab Muhammad Yusuf.  
Khan Bahadur Munshi Siddiq Ahmad.  
Sir Thomas Smith, Kt., & c.

Motion negatived.

**The Hon'ble Mr. S. P. O'Donnell:** I beg to move that the demand of Rs. 60,60,784 in respect of the item regarding establishment—executive subordinates at page 62 of the detailed estimates be reduced by Rs. 74,880.

Motion agreed to.

The demand, as reduced to the net figure of Rs. 1,53,98,294, was then put and voted.